DOCUMENT RESUME

ED 363 913 EA 025 265

AUTHOR	Weston, Susan Perkins
TITLE	School-Based Decision Making. A Guide for School Council Members and Others. Second Edition.
INSTITUTION	Prichard Committee for Academic Excellence, Lexington, KY.
PUB DATE	Aug 93
NOTE	144p.; For the first edition, see ED 341 124.
PUB TYPE	Guides - Non-Classroom Use (055)
EDRS PRICE	MF01/PC06 Plus Postage.
DESCRIPTORS	Accountability; *Advisory Committees; Decentralization; Decision Making; Elementary Secondary Education; *Participative Decision Making; *Policy Formation; Public Schools; *School Based Management; School Organization; *School Policy; School Restructuring; State Legislation
IDENTIFIERS	*Kentucky

ABSTRACT

This document for school-council members in Kentucky provides guidelines for school-based decision making (SBDM). In 1990, the Kentucky State legislature passed the Education Reform Act (KERA), which mandated SBDM in Kentucky schools and recommended the formation of school councils composed of the principal, three teachers, and two parents. The first section presents the rationale for school-based decision making in Kentucky and describes accountability measures for student success. The second section offers six chapters on how councils operate--entering SBDM, holding elections, conducting meetings, writing bylaws, organizing committees, and planning the council's work. Chapters 9 through 20, which comprise the third section, focus on council policies. They cover the basics of policy making; curriculum and instructional practices; schedules and assignments; discipline and classroom management; extracurricular programs; procedures for determining alignment with state standards, technology utilization, and program appraisal; and policies to enhance achievement and meet the KERA goals. The fourth section includes four chapters on council resource decisions--funding allocations, staff, textbooks and instructional materials, and student-support services. The final section offers two chapters on the council's relationship with the state and school district. A glossary and appendix that contains the text of SBDM law and recommendations for SBDM are included. (LMI)

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School-Based Decision Making

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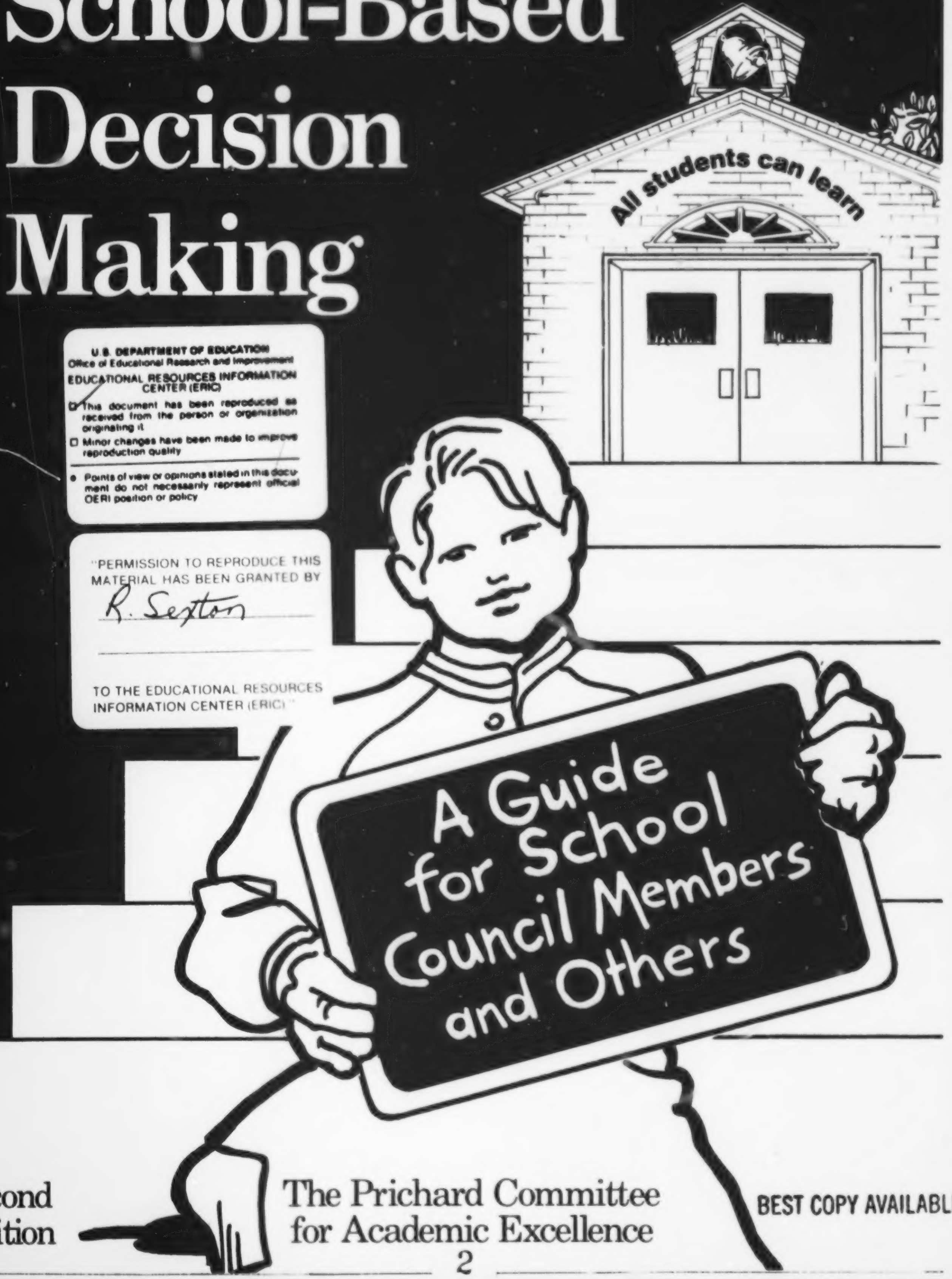

A Guide for School Council Members and Others

EA 025 265

Second
Edition

The Prichard Committee
for Academic Excellence

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Goals for Each Kentucky Student

(1) Communication skills necessary to function in a complex and changing civilization;

(2) Knowledge to make economic, social, and political choices;

(3) Understanding of governmental processes as they affect the community, the state, and the nation;

(4) Sufficient self-knowledge and knowledge of his mental and physical wellness;

(5) Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;

(6) Sufficient preparation to choose and pursue his life's work intelligently; and

(7) Skills to enable him to compete favorably with students in other states.

Source: Kentucky Revised Statutes, Section 158.645.

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The Office of Education Accountability
Legislative Research Commission
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School-Based Decision Making

A Guide for School Council Members and Others

Second Edition

Susan Perkins Weston

Published by:
The Prichard Committee
for Academic Excellence -

August 1993

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Cover Design and Illustration by Paula Gron
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The Prichard Committee has also published *The Primary School: A Resource Guide for Parents, The School Answer Book: Citizens' Guide to Kentucky School Law* and *A School Budget Primer: Citizens' Guide to School Finance.*

Acknowledgments

The Prichard Committee extends its deep appreciation to those persons who made the second edition of this publication a reality.

Susan Perkins Weston is to be highly commended for her continuing contribution to school-based decision making in Kentucky. Her thorough reading and research and clear understanding of the law provide council members with basic knowledge and information needed to implement school-based management.

Many others gave freely of their time in reading drafts and providing corrections, suggestions and questions. In particular we wish to thank Bernie Carr, former Director of School-Based Decision Making, Kentucky Department of Education and Charles Edwards, current Director and staff members, Jack Gray, Doug McKinley and Cheri Meadows; Kevin Noland, Associate Commissioner of Legal Services, Department of Education; Penney Sanders, Director of the Office of Education Accountability and staff member Kim Pasley; Randy Kimbrough, Deputy Commissioner for Management Services, Department of Education; Carol Lamm, parent member of a school council; and Lea Pearson, parent and friend of education.

Finally, it is important to acknowledge the tireless work of The Prichard Committee staff. Marilyn Bailey provided overall direction for the project; Cindy Heine proofread for content and clarity; and Lisa Allen typeset the book and prepared it for printing.

Robert F. Sexton
Executive Director
The Prichard Committee

The Prichard Committee for Academic Excellence gratefully acknowledges the generous contributions of its many financial supporters. These include:

The Annie E. Casey Foundation, Inc.

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Galen Health Care Foundation

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Toyota Motor Manufacturing, U.S.A., Inc.

The UPS Foundation, Inc.

Numerous Kentucky citizens, businesses, Prichard Committee members and Prichard Alliance members

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School-Based Decision Making and Kentucky Education Reform

Chapter 1
The Rationale for School-Based Decision Making

What is school-based decision making?

The school-based decision making process will give parents, teachers and principals at each Kentucky public school substantial control over how that school operates. Working through a council composed of the principal, three teachers and two parents, they will make key decisions about how to help their school's students learn. The specific responsibilities of councils are outlined in the chart on page 3 and discussed in more detail in later sections of this book.

Why was school-based decision making made part of Kentucky law?

In 1989, the Supreme Court of Kentucky declared that the General Assembly had failed to carry out Article 183 of the Kentucky Constitution, which requires that:

> The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.

In 1990, the General Assembly responded by passing the Kentucky Education Reform Act, also known as KERA. Under KERA, the Commonwealth's entire school system was restructured.

The restructuring was designed to focus attention on outcomes, holding schools accountable for what their students know and can do. (Chapter 2 describes this accountability process.) Many input requirements were removed, allowing flexibility in what and when and how schools teach so long as they make major strides toward delivering those outcomes.

School-based decision making allows each school to figure out the best way to move its students toward the state-wide goals for student success. For staff, who can obtain the rewards or face the consequences of failure under the accountability system, SBDM is an opportunity to control their own situation. For parents, SBDM is a chance to make a major contribution to their children's futures.

School-based decision making is also intended to change the culture within each school, because teachers and parents who create the programs should have far greater enthusiasm for making them work. Each school should become a community where people share and test ideas, steadily learning more about how to help students succeed.

Kentucky's reform act does not offer a "one best way" to create a good school. Instead, it challenges and trusts the people at each school to find the best approaches for its own students and community.

Reference: KERA has become part of the Kentucky Revised Statutes. The section of KERA that establishes school-based decision making is KRS 160.345. Appendix A of this booklet includes the complete text of that section. (KRS is the standard abbreviation of Kentucky Revised Statutes; the number before the decimal point (in this case 160) indicates the chapter, or major section, of the Kentucky Revised Statutes one would look for in a law library, and the number after the decimal point gives the section number to look for within that chapter.)

When will school-based decision making take effect?

School-based decision making will govern almost all Kentucky public schools by July 1, 1996. Before the 1996 deadline, the process will be phased in at those schools where faculty members vote to implement it sooner. This process is discussed in more detail in Chapter 3, ''Entering School-Based Decision Making.''

School-based decision making will not be required for:

- Schools in districts that only have one school, and
- Schools that exceed their performance threshold in the state accountability process and hold a vote in which a majority of its faculty vote to return to district control.

Reference: The phase-in plan is found in KRS 160.345, subsection (5). See Appendix A, page 122.

Council Functions and Where To Find Them

You can find the complete text of the school-based decision making law in Appendix A, and Chapters 9-20 discuss each function in more detail.

	Functions of School Councils that are listed in Kentucky Revised Statutes, Section 160.345	Section of the law	Chapter of this book
1.	Make policy to enhance achievement and meet the KERA goals	(2)(c)	15
2.	Determine the number of persons employed in each job classification	(2)(g)	17
3.	Select textbooks	(2)(h)	18
4.	Select instructional materials	(2)(h)	18
5.	Select student support services	(2)(h)	19
6.	Select new principal	(2)(i)	17
7.	Consult with principal before he or she selects persons to fill other vacancies	(2)(i)	17
8.	Make curriculum policy	(2)(j)1	10
9.	Make staff assignment policy	(2)(j)2	11
10.	Make student assignment policy	(2)(j)3	11
11.	Make school schedule policy	(2)(j)4	11
12.	Make school space use policy	(2)(j)5	11
13.	Make instructional practices policy	(2)(j)6	10
14.	Make discipline and classroom management policy	(2)(j)7	12
15.	Make extracurricular policy	(2)(j)8	13
16.	Make policy on procedures for determining alignment with state standards, technology use and program appraisal	(2)(j)9	14

4

SBDM and Kentucky Education Reform

The Rationale for SBDM

Chapter 2
Accountability for Student Success

How does Kentucky define student success?

There are three key documents to examine:

- The second section of the Kentucky Education Reform Act of 1990 defined the student capacities that must be ensured by an effective school system. That list can be found inside the front cover of this book.

- KERA's third section listed goals for each school in that system and those can be found inside the back cover.

- 75 Learner Outcomes have been developed by educators, translating the KERA goals into a more specific statement of what each Kentucky child needs to know and be able to do. The Outcomes are included in Appendix C, pages 131-135.

How will we be able to tell whether students are achieving the goals and Learner Outcomes?

Kentucky is building a new, state-of-the-art assessment system to give us a more accurate view of our children's knowledge and skills. This assessment system is known as the Kentucky Instructional Results Information System, or KIRIS, and it will differ from past tests in two important ways.

First, it is tied to a fixed standard of excellence. In the past, many tests told us where students stood in relation to one another, ranking them in relation to the norm of how other pupils were doing. The new assessment will use the Learner Outcomes as a fixed standard of what all students must know and be able to do to be successful, responsible adults. Kentucky's new goals are dramatically higher than those used to score most other tests of achievement. Instead of lowering our expectations to match existing performance, Kentucky law has raised them to meet the demands of the future.

Second, the new system will ask students to show their knowledge and skills through tasks that resemble real-life use of their learning. The old standardized multiple choice tests required only isolated bits of knowledge and failed to measure whether students could solve actual problems. Those tests also encouraged schools to concentrate on the fragmented tasks that would be on the tests. The new approach will correct that, assessing how students handle problems that closely mirror the work of real adult life. The box below provides more information about the techniques KIRIS will use.

Reference: KRS 158.6453 mandates the creation of KIRIS.

KIRIS Assessment Techniques

The Kentucky Instructional Results Information System will assess student achievement of KERA's goals for students, as listed inside the front cover of this book, and the Learner Outcomes. Specific techniques used to gauge student performance will include:

- Open-ended essay questions;
- Performance events where students solve realistic problems either individually or working in groups; and
- Portfolios of a student's work collected over the year.

These types of student performance will be assessed as fitting one of four levels:

- Distinguished;
- Proficient;
- Apprentice; or
- Novice.

The Department of Education has released sample items from the 1992 assessment that show work at each of these levels on the open-ended essays, and benchmark examples of work at each level for the writing portfolios. These samples of KIRIS standards should be available in all Kentucky schools.

KERA calls for KIRIS to be fully implemented no later than the 1995-96 school year. Because the assessment is still being developed, an interim testing system was used in 1992 and 1993, combining some performance-based elements with others similar to those on the National Assessment of Educational Progress. Some elements of the interim approach will be used again in 1994.

How will schools be held accountable for their performance results?

There will be a statewide system of rewards for schools that dramatically raise their percentage of students and interventions to help schools that do not make adequate improvements. That process is in its first cycle, which includes the following steps:

- In the spring of 1992, students in grades 4, 8 and 12 were assessed so that the school's starting percentage of successful students could be determined. Several other factors, including dropout rates and retention in a grade level, were also measured; although they are not directly about learning, they are so closely related to it that they are considered noncognitive indicators of school success.

- The assessment results and the noncognitive indicators were combined to determine each school's baseline accountability index or level of student success.

- The State Board for Elementary and Secondary Education then asked each school to achieve a new level of student success that is higher than that baseline. Each school must reach its new target, known as a threshold by 1994.

- In 1993 and 1994, students in those grades will be assessed again.

- In 1994, the data for those two years will be used to evaluate all schools, with rewards going to schools that exceed their thresholds by at least 1 percent and special requirements being imposed on those that fall short.

- New thresholds will then be set and the process will begin again.

Reference: The accountability system is set up by KRS 158.6455.

How were threshold success levels set for each school?

By law, each school's threshold must entail an improvement above that particular school's current percentage of successful students, including students at risk of school failure, and the improvement required will be lower for schools closest to having 100 percent successful students. The State Board for Elementary and Secondary Education has adopted a formula for calculating each school's threshold that requires just that. Although the exact formula is slightly more complex, the State Board's goal is to have every school shrink its percentage of unsuccessful students by one-tenth every two years.

What will happen if a school fails to achieve its threshold level of student success?

Schools that do not achieve their threshold level improvements will be required to take certain specific steps. The requirements will vary depending on the extent of the failure.

Schools that fail to meet their thresholds, even if they move beyond their baseline starting points, must develop school improvement plans. School improvement grants will be available to help them make greater progress.

If a school's successful student percentage declines by less than 5 percent from its past level, the State Board will assign a Kentucky Distinguished Educator to work at the school, monitoring and helping with efforts to improve. These schools also must prepare a school improvement plan and will be eligible for school improvement grants.

A school that declines dramatically, by more than 5 percent, will be declared a school in crisis. Parents will be permitted to remove their children and enroll them in a nearby successful school. In addition, the assigned Kentucky Distinguished Educator will evaluate the school's staff to decide whether transfers or dismissals are needed. As in less troubled schools, a school improvement plan must be developed and the school will be eligible for state improvement funds.

What will happen if a school repeatedly falls short?

The intervention will become more intense.

A school that twice fails to reach its threshold, even if it stays above its baseline, will be assigned a Kentucky Distinguished Educator, in addition to being required to develop a school improvement plan.

A school that fails to meet its threshold three times, or that slips below its baseline results twice, will be declared a school in crisis. As in the case of schools that experience a single 5 percent drop, parents will be able to transfer their children to a successful school and the Kentucky Distinguished Educator will be able to cause transfers or dismissals and to manage the school if necessary.

What will happen at schools that do better than their thresholds?

Schools that exceed their thresholds at the end of a two-year accountability cycle, increasing their level of student improvement even more than the state requires, will receive special benefits.

First, they will be eligible to request waivers of some regulations passed by the State Board for Elementary and Secondary Education. (This process is discussed in more detail on page 113.)

Second, KERA requires the State Board to permit schools that exceed their threshold requirement an exemption from school-based decision making, if a majority of the school's faculty vote to ask to be exempt. Once the exemption is granted, the district school board will resume direct control of the school.

Finally, if the improvement is at least 1 percent above the school's threshold, a financial reward will be given to the school on behalf of its instructional staff. The reward will be calculated as a fraction of the instructional staff's salaries. The school's certified staff will vote on how the money should be used. For example, the money might be spent to expand the school library or to start a special program. It could also be used to fund staff sabbaticals and attendance at professional conferences. Or the staff might vote for cash disbursements, allowing entirely individual choices. The statute does not specify any limits on how the money may be used, other than that there must be a staff vote on the matter and that the money must be distributed in proportion to each staff member's current annual salary.

Money for these rewards has already been budgeted by the General Assembly for the fiscal years from 1990 through 1994. These dollars will be kept in a separate trust fund until the rewards are paid out.

Reference: The successful schools trust fund is created by KRS 157.067.

What can a school council do if it thinks its performance judgment was grossly unfair?

It can appeal to the State Board for Elementary and Secondary Education. The State Board can only make adjustments if it finds one or more of the following highly unusual circumstances:

- The performance judgment was based on fraud or a mistake in computations.
- The performance judgment was arbitrary.
- The performance judgment lacked any reasonable basis.
- Significant new circumstances occurred during the biennial assessment period that were beyond the control of the school.

Reference: Appeals of accountability results are allowed by KRS 158.6455.

What is the relationship between school councils and the accountability system?

The whole point of KERA is to create success for Kentucky's students. Accordingly, meeting the school's accountability threshold should be the primary focus of each council's work.

How Councils Operate

Chapter 3
Entering School-Based Decision Making

Who decides when a school will begin school-based decision making?

Until 1996, that decision is up to the school's teachers. The law says that "After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so."

Reference: The quoted passage appears in Section 5 of KRS 160.345. See Appendix A, page 122.

Who is entitled to vote on whether to enter SBDM?

The law says the "faculty" is to vote. There is some controversy over whether principals, assistant principals and head teachers are part of that group.

The controversy arises because the SBDM law defines "teacher" as "any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals, assistant principals, and head teachers."

Some experts argue that faculty means all the teachers under that definition. Others argue that faculty instead means all the teachers plus the principal, assistant principal and head teacher.

Reference: The definition appears in Section 1 of KRS 160.345, and the rules on who may vote appear in section 5. See Appendix A, page 119 and page 122.

When can teachers hold a vote?

A district board of education can set ground rules on how the election will be handled. There has been no legal test of whether a board policy can limit schools to voting at a particular time of year or a specific number of times per year, but the Department of Education has recommended that such limitations not be imposed.

How many teacher votes are needed for a school to enter school-based decision making?

The law requires that two-thirds of the faculty support the move. That appears to mean two-thirds of all faculty, not just those who cast ballots in the election.

Can a school decide to stop school-based decision making?

Yes, but only under certain limited conditions. A school must first produce student success levels higher than the threshold set for them by the State Board for Elementary and Secondary Education. Then, its faculty can vote to apply to the State Board to leave SBDM and return to administration from the central office. Schools that meet or fall below their thresholds are not eligible to leave the SBDM process.

Reference: Provisions for leaving SBDM are found in KRS 160.345(5). See Appendix A, page 122.

What happens after the teachers vote for SBDM?

Elections should be held following the ground rules specified in state law and any additional rules set in district board policy.

Chapter 4
Holding Elections

Who decides when council elections are to occur?

District school boards have the authority to adopt policies about how the school councils will be formed. Those policies may set dates for council elections and cover other issues, provided that those policies do not interfere with the role given to councils by state law.

If the board policy does not specify a period for elections, the principal should move quickly to schedule the teacher election and the parent teacher organization should do the same for the parent election.

Reference: KRS 160.345(2)(e) calls for boards to address formation issues not covered by other sections of the law. See Appendix A, page 120.

Who selects the parent members of the school council?

The parent members will be selected by parents who belong to the school's parent-teacher organization. If the school does not have a parent-teacher organization, the parents must form a new organization to elect the parent members. Other existing parent groups such as booster groups for a band, sports team or academic team cannot conduct these elections. If more than one organization is formed, the largest organization's members shall elect the council members.

Reference: Section (2)(b) of KRS 160.345 sets these rules. See Appendix A, page 119.

If a teacher has a child at the school, can he or she vote for the parent members?

Yes. Any parent member of the electing organization may vote in the election, even if he or she is a teacher. Teachers who work for that school district cannot be elected as parent council members, but they can vote for other parents in the election at their children's school.

If the parent-teacher organization charges dues, must parents pay them to vote?

As the law is now written, a parent must be a member of the organization, and dues are commonly required for membership. However, that requirement appears to be a "poll tax" in violation of the federal Constitution. Parents may want to speak with the leaders of the parent-teacher organization about what can be done to resolve this problem or to consult a lawyer about ways to address the constitutional issue.

Who is eligible to be a parent member?

Parent representatives must not be district employees, relatives of district employees, school board members or the spouses of school board members. They also must not have certain kinds of business dealing with the district which would create a conflict of interest.

Reference: The limitations on who may be a parent member of the council are found in KRS 160.345(2)(a). See Appendix A, page 119 for the full text. The conflict of interest rules are found in chapter 45A of the Kentucky Revised Statutes.

How are teacher members of the council chosen?

The teacher members will be elected by a majority of the school's teachers. Note that each member must receive a majority; a runoff or some other procedure may be needed. Also note that the requirement is a majority of all the school's teachers, not just those who cast ballots.

Who is eligible to be a teacher member of the council?

In this context, a "teacher" is any person whose public school position requires state certification, except principals, assistant principals and head teachers.

How long do members serve?

Parent and teacher members each serve one-year terms and may be re-elected to additional terms. Principals serve as long as they hold their positions.

Are school councils covered by district insurance against lawsuits?

Yes. KERA directs that the district school board shall make insurance coverage available to protect members of the school council from liability arising in the course of pursuing their duties as members of the council. Council members may wish to ask the district to show them the insurance policy provisions that give them individual protection. It may also be important to make sure that the insurance will provide council members with their own lawyer if they are named as defendants in a suit; a lawyer who represented both the district and the council might face a conflict of interest if the two clients had different needs.

Reference: The insurance requirement appears in KRS 160.345, Subsection (4). See Appendix A, page 121.

Will council members be paid?

The principal and the teacher members will be paid their regular salaries. State regulations permit additional pay for work done outside regular school hours; this decision is up to the district school board.

Reference: The regulation permitting additional pay for work outside of regular hours is 702 KAR 3:070.

Chapter 5
Conducting Meetings

When should the first council meeting be held?

Some district board SBDM policies specify a date or a specific deadline by which the first meeting must be held. If there is no such requirement, the first meeting should be called by the principal as chair. If the principal does not call a meeting, a majority of other members can vote to do so. The first meeting should be called using the procedure outlined in the box on Open Meetings on the next page.

Reference: KRS 61.823, part of the Open Meetings Law, specifies that ''the presiding officer or a majority of the members of a public agency may call a special meeting.''

When should subsequent council meetings be held?

Each council may set its own schedule, but it must obey Kentucky's Open Meetings Law, which protects the public's right to know about and attend meetings where government decisions are discussed or made. That law requires each public agency to have a schedule of regular meetings and to make that schedule available to the public. Councils can also call special meetings not on the regular schedule, using the procedure outlined.

At what time of day should council meetings be held?

The law only states that the time and place must be convenient for the public. Many public agencies meet that standard by meeting during regular business hours. To maximize parents' opportunities to attend meetings and learn about the school, many councils have chosen to meet in the evening, but that is not legally required.

Where should councils meet?

The school is often a good choice, but councils can meet any place that is reasonably convenient to the public. Note that the location must be included in the regular meeting schedule and in the announcement of any special meetings the council decides to have.

Open Meetings and School Councils

Kentucky's Open Meetings Law protects citizens' right to know about and attend meetings of all Kentucky public agencies. Its rules, found in KRS 61.805 to 61.850, govern how meetings can be called and when meetings can be closed to the public.

Calling Regular Meetings

All public agencies must set a schedule for their regular meetings. The meetings must be held at times and places that are convenient for the public, and the schedule must be made available to the public. Once the schedule is available to the public, it is not legally necessary to send the local media separate announcements of each regular meeting. Many school councils do so voluntarily because they want to encourage parent and community participation.

Calling Special Meetings

If a council needs to meet before its next regular meeting, a special meeting can be called. The chair can call the meeting, or a majority of the other members can do so. Whoever calls the meeting must make sure the following steps are taken.

- All members must be notified in writing of the date, time, place and agenda for the meeting. The notices can be hand-delivered, mailed or sent by facsimile machine but must be calculated to arrive 24 hours before the meeting.
- Newspapers, radio stations, television stations or news services must receive the same type of notice if they have asked to be notified of special meetings.
- Written notice must also be posted conspicuously in the building where the meeting will take place and the building where the agency has its headquarters. The notice must go up as soon as possible and not less than 24 hours before the meeting.

Conducting Open and Closed Sessions

Almost all council meetings, both regular and special, should be run as open sessions. At an open session, anyone who wants to attend must be allowed to do so. A closed session can only be held if it deals with proper closed-session topics and has been called using the proper procedure.

Allowed Topics for Closed Sessions

Closed sessions of a public agency are allowed only to discuss the 11 topics specified in Kentucky Revised Statutes, Section 61.810. Those topics are as follows:

KRS 61.810(3)(c) allows closed sessions to discuss possible or actual litigation.

- continued on next page -

KRS 61.810(3)(f) allows closed sessions to discuss appointment, dismissal or discipline of an employee, member or student. If the affected individual asks for a public hearing, that request must be granted. General personnel matters not involving a specific individual may not be discussed in a closed session. Bear in mind that since councils have no direct role in evaluating or disciplining staff or students, only appointment of employees is likely to come up often. On rare occasions, councils may need to review whether a principal's actions in dealing with a staff or student situation was consistent with the council's policy, and if necessary, those discussions can be held in a closed session.

KRS 61.810(3) also lists a number of others topics that are more likely to be relevant to other agencies, including: parole board deliberations; discussions of buying or selling real estate if publicity might affect its value; jury and grand jury sessions; collective bargaining negotiations; discussions about specific proposals to bring in, keep, expand or upgrade a business; cabinet meetings; committees of the General Assembly other than standing committees; deliberations by judicial and quasi-judicial bodies attended only by members and staff of those bodies; and meetings that state law, federal law or the Constitution say must be held in private.

Procedure for Starting a Closed Session

When a closed session topic needs to be discussed, the following steps must be taken.

- Notice must be given in an open meeting that a closed session is needed, stating the general nature of the business to be discussed, the reason for the closed session and the specific section of KRS 61.810(3) that allows the closed session to be held. For councils, the specific section will almost certainly be KRS 61.810(3)(c) or (3)(f), the ones described above.

- A motion must be made in open session to hold a closed session.

- The members must vote in open session on the motion, and it must carry by majority vote. Since the statute specifies voting, councils that operate by consensus on other issues need to make an exception and record votes on this issue.

Conduct of a Closed Session

During the closed session two rules must be obeyed:

- The agency can only discuss the topics announced in the notice given in the open session.

- No final action can be taken. Instead, after discussing the topic fully, the members must return to open session and make their final decision in public. The minutes of the open session must accurately record all actions taken.

Does the council have to keep minutes?

Yes. The Open Meetings Law requires that every public agency record the votes and actions it takes at every meeting. It also says those minutes must be "promptly recorded," and that they must be "open to public inspection at reasonable times no later than immediately following the next meeting of the body."

Reference: The minutes requirement is found in KRS 61.835.

Is the council subject to open records laws?

Yes. Councils must make their records open to the public. A designated "custodian" must provide records upon request. The school principal, secretary or librarian are logical custodians. In addition, although not required by law, many councils send copies of their minutes to the school library, public library and local school board offices.

Reference: Open Records Law is found in KRS 61.870-882.

Chapter 6
Writing By-Laws

What is the purpose of school council by-laws?

The by-laws provide basic rules for how the council will operate, roughly as a constitution organizes the work of the Kentucky and United States governments. Good by-laws support the council's work by letting all members and citizens know how decisions will be made and by preventing conflicts over what procedures to use.

What should a council's by-laws include?

The following elements should be considered:

- A statement of purpose, reflecting the council's understanding of its role and its goals for its school.
- Rules for conducting future council elections.
- Duties of any council officers and how they will be selected.
- Any rules of conduct the council wishes to set for its members and any procedures it wants to establish for dealing with violations of those rules.
- A decision making procedure, such as voting or consensus.
- A plan for how the principal will consult the council before selecting people to be hired; this issue is discussed in more detail in the chapter on "Staff" (see pages 77-83).
- Rules for amending the by-laws in the future.

Consensus Decision Making

A consensus is an agreement by all members that a particular plan will be adopted. That means that consensus is not present if even one member of a group firmly objects to the proposal.

Consensus decision making requires a commitment of all members to listen closely to each other's concerns and try to find solutions that address those concerns. When a full discussion still leaves members disagreeing, each one needs to decide for himself or herself whether his or her objections are serious enough to justify stalemating the council. In some cases, a majority of a group may support an idea, and the others may merely say that they are willing to live with it. Those others indicate that they will not ''stand in the way'' of the dominant plan, even though they believe another approach would be better.

The SBDM Law does not require that councils operate by consensus, but many choose to do so. The consensus approach helps ensure that a decision has the support necessary to make it work in practice.

Councils that opt for consensus should consider the following practical issues:

- Each final decision needs to be stated clearly in the council's minutes. When the group believes it has a consensus, someone should write down a specific statement of the conclusion and read it out loud to be sure that there is a clear statement of what has been agreed to.

- If a council operates by pure consensus, the status quo will continue whenever there is a stalemate. That makes it important for councils to put a clear set of starting policies into place, even if they merely state that the school will continue under the rules that existed when the council began operation.

- The council may also want to consider provisions for voting in cases where the stalemate could cause severe operating problems. For instance, if a council is unable to agree on a new principal or to file a budget for the coming school year, it may be very difficult for the school to function. Some narrow provision for breaking deadlocks may be needed for such circumstances.

Are there any models of school council by-laws available?

Yes. Most councils in your area have by-laws that reflect their decisions about how to operate, and you may want to ask for copies and talk to their members about how well their programs are working. The Kentucky Association of School Councils also offers Model School-Council By-Laws, P. O. Box 784, Danville, KY 40423-0784, (606) 238-2188.

Can a school decide to change the membership of the council?

Yes, using one of two possible procedures.

Under the first procedure, the membership of councils may be increased if the change maintains the relative proportions of administrators, parents and teachers. That is, instead of one principal, two parents and three teachers, a council might have two administrators, four parents and six teachers, or three, six and nine, and so on. This type of proportional change does not require permission from the State Board for Elementary and Secondary Education. Instead, such a change can be made by a decision of the council itself.

The second procedure applies to any other changes, and it does require State Board permission. The law allows schools to apply to use alternative models of school-based decision making. For example, a school might want to elect a parent and a teacher to the council from each grade. Applications for this or other variations must be developed in consultation with representatives of parents, students, certified personnel and teachers, and approved by two-thirds of the school faculty.

By regulation, the State Board has indicated that applications for alternative models must:

- Be "based on the 3-2-1 statutory configuration such that parental membership shall not fall below one-third (1/3) of voting members;"
- Set 1-year terms for council members; and
- Only include student or classified employees as official council members if they are limited to a nonvoting, advisory role.

The only exception to these requirements is that schools that began school-based decision making before July 13, 1990, may apply to continue those arrangements.

Reference: Proportionate increases without State Board approval are governed by subsection (2)(a) of KRS 160.345 (see Appendix A, page 119). Other changes in council membership are governed by subsection (7) of KRS 160.345 and by 701 KAR 5:080. ''KAR'' is an abbreviation of ''Kentucky Administrative Regulations.'' In a volume of those regulations, one would locate 701 KAR 5:080 by locating Title 701 and then looking for section 5:080.

Can someone other than the principal be the chair of the council?

Only if the school gets State Board approval of an alternate model that has that arrangement. The State Board has approved some alternate models in which other people chair the council.

Can the council elect a vice-chair to run meetings when the principal is absent?

Yes. A number of councils have done so. Some of those councils have written into their by-laws that they will not make final decisions on some kinds of issues when the principal is not present, because they want the principal to participate in those matters.

Chapter 7
Organizing Committees

Does a school have to form committees?

No. In 1992, the law was changed to make committees an optional, rather than a mandatory, feature of school-based decision making.

Still, committees of staff and parents are widely believed to be essential to effective school-based decision making. Each teacher has insight into how students are currently learning and thoughts on how the school might help them learn more effectively. The committees' work will be to make sure the council benefits from those insights and ideas and that council decisions have the support necessary to make them effective. Committees that include parents and other community members can provide still stronger recommendations.

In general, committees allow councils to maintain a continuous school-wide discussion about how to help students learn. A council without committees runs the risk of making decisions that are disliked or misunderstood by the school's staff and parents. That in turn creates the risk that the next year's council will be elected to undo those decisions, and even if that does not happen, there may not be enough enthusiasm for the decision to yield positive results.

Can the staff form committees even if the council does not decide to do so?

Yes. The exact words of the SBDM law are:

> All certified staff at a school may be participants in the school-based decision making. The staff may divide into committees according to their areas of interest, such as, but not limited to, grouped grade levels, subject areas, and special programs. Each committee shall elect by a majority of the committee a chair, who shall serve for a term of one (1) year. The committee shall submit its recommendations to the school council for consideration.

That language suggests that staff members can form committees on their own initiative. At many schools, the council has provided the leadership in creating committees, but it does not have to be done that way.

Reference: The role of committees organized by a school's certified staff is specified by KRS 160.345(2)(d), which is quoted in full above.

What subjects should the committees cover?

The law leaves that decision up to the certified staff. Their selection of committee topics should reflect their interests and their knowledge of the school's needs. For instance, staff at one school might set up committees on each subject taught at the school. At another, one committee might address all curriculum issues, while others worked on cooperation between home and school, service to the community and improvements in the school's schedule. Another possibility might be to create new committees each year to address the areas that seem most important for improving the school that year.

Can parents serve on committees?

Yes. The law neither requires nor prohibits parent participation. Including parents often brings in innovative ideas and broadens the base of support for the committee's recommendations.

Can other people participate in the work of the committees?

Yes. For instance, a cook or lunchroom supervisor might make a significant contribution to a committee concerned with school climate. Inviting parents and other citizens to participate would expand their involvement in the school and, in some cases, might provide the school with additional expertise on a topic. A businessperson might be able to identify changing local employment trends for the school's graduates, or a writer might suggest additional techniques for developing students' language skills.

Who will lead the committees?

Each committee will elect a chair from its membership, who will serve for a term of one year and be eligible to seek re-election.

What are the responsibilities of committee members?

As set out in the statute, the committees make recommendations to the council. In preparing those recommendations, committee members should consider their own experience, the thoughts of their colleagues and the comments of students, parents and others. In some cases, they may want to undertake more formal review of data about the school. On other issues, they may want to consult with professional organizations, government agencies and peers in other schools and districts or to review research on the effectiveness of different approaches to a particular school problem. Ideally, as the committees identify school needs and possible solutions, they will also be building school-wide understanding of their proposals; in the best cases, council approval of their recommendations will confirm a consensus already developed about how to improve the school.

Must committees follow the requirements of the Open Meetings Law?

Yes. They are public agencies within the definition of that law, and they need to fulfill the mandates discussed in the chapter on "Conducting Meetings" (see pages 20-21).

Chapter 8
Planning The Council's Work

How should the council go about helping the school achieve student success?

Many councils find it helpful to begin by developing a written plan for the school. That planning process might reasonably include:

- An assessment of school needs;
- Selection of goals for the school; and
- Specification of a set of activities that will achieve those goals.

Developing a school improvement plan will also help the council decide which of its policy and resource responsibilities need attention first. That is, it will help the school organize all the work discussed in the chapters below. For instance, if the school's leading improvement goal is implementing instructional practices that prepare students for KIRIS assessment methods, drafting or amending the instructional practices policy may be one of the council's main tasks for the year. On the other hand, if the council found no major weaknesses in the extracurricular program, it probably doesn't need to work much on that policy area.

How should the council assess the school's needs?

The most important thing to figure out is what the school needs to do to meet the threshold set for it in the current accountability cycle and to get ready to meet the higher thresholds that will be set in later cycles. To do that, councils may want to look at:

- The most recent data from state assessments;
- The most recent data from the noncognitive indicators that are also used in accountability; and
- The current threshold and a projection of future thresholds for the school.

The council may also want to gather data on school strengths and weaknesses that can contribute to whether the threshold is met. Some of that data may be hard numbers, like the size of the library and condition of the furniture. Other relevant factors might come from a questionnaire that gathered the opinions of students, teachers, parents and community members about how well the school is functioning.

What kind of goals should the council set for the school?

Again, the goals should primarily be ones that will contribute to meeting the current threshold and preparing for future ones. Setting quantifiable goals using specific performance results needed for the accountability is one way to make this connection especially clear. If the school community has a major concern that is not directly connected to the KERA goals, it may also be appropriate to make addressing that concern a school goal.

What sort of activities should the council plan?

Each council should decide this matter for itself, after collecting a wide range of advice. Good sources to consult for that advice might include the SBDM committees, teachers, parents, students, community members, district officials, state officials and education research data.

Some activities in the plan may involve immediate implementation of ideas the staff already knows a great deal about. Others may call for learning more about ideas that may be helpful or even starting from scratch to find research or practices that could be relevant to a school problem.

Many activities will lead to use of specific council responsibilities, such as writing or amending a council policy to support a particular change or using the council's resource powers to purchase needed materials.

How can the council ensure that the planned activities happen?

It can ask for regular reports on progress, perhaps once every three months throughout the year.

It can also support each activity by putting the following information into the plan:

- The people responsible for carrying out each activity;
- The professional development they will need;
- The textbooks and instructional materials that will need to be bought using council resource powers;
- Other expenses that may be incurred and how they will be funded;
- The council policies that will need to be developed to allow or explain the activity;
- Any changes that are needed in district policies or plans for categorical programs in order to make the school plan work; and
- A method for telling whether the activity occurred and whether it was effective.

Does the council have to follow the district board of education's policy on planning school improvements?

Yes. The SBDM law calls for each board of education to address school improvement plans in its SBDM policy. Many board policies provide a brief description of what the plan should address and when it should be submitted.

Reference: Board policies on school improvement plans are required by KRS 160.345 (3)(c). See Appendix A, page 121.

Does the school have to use the School Transformation Plan Guidebook recommended by the Kentucky Department of Education?

The State Board has not mandated that the Guidebook be followed, but some local boards of education have done so. Check your board SBDM policy for a specific mandate; if you don't find one, the Transformation Plan is only a suggestion from the Department, and your school has the option of using another approach or designing its own improvement process.

Reference: The School Transformation Plan Guidebook can be obtained from the Kentucky Department of Education, Office of Assistance and Intervention, 500 Mero Street, Frankfort, KY 40601. Many principals and superintendents also have copies.

Are there other plans the school must prepare?

Yes. There are state regulations requiring schools to prepare:

- An annual primary program report;
- An annual textbook and instructional materials plan;
- An annual professional development plan.

Each of these plans is discussed in detail in one of the chapters below. If the council has prepared a thorough school improvement plan, that plan should include most of the information needed to complete these other planning documents.

Reference: The primary program is discussed in the chapter on "Curriculum and Instructional Practices," page 45. The textbook and materials plan is described under "Textbooks and Materials," page 88 and pages 90-91. The professional development plan is covered under "School Council Funding Allocations," page 75.

Council Policies

Chapter 9
Basics of Policy Making

What does policy mean?

A policy is a statement of basic guidelines for how an organization will deal with a particular issue. A council's policies set the rules for operating the school.

What issues must be covered by council policies?

Section 2(j) of the SBDM law gives the following specific list:

> The school council shall adopt a policy to be implemented by the principal in the following additional areas:
>
> 1. Determination of curriculum, including needs assessment and curriculum development;
>
> 2. Assignment of all instructional and noninstructional staff time;
>
> 3. Assignment of students to classes and programs within the school;
>
> 4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
>
> 5. Determination of use of school space during the school day;
>
> 6. Planning and resolution of issues regarding instructional practices;
>
> 7. Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal;

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision; and

9. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal.

Subsection (2)(c) allows councils a more general policy-making role:

> (c) The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and KRS 158.6451. The principal or head teacher shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

This broader power allows councils to consider areas beyond the nine specific ones in (2)(j), as long as there is a clear connection to student achievement and the KERA goals.

Who is responsible for carrying out council policies?

The principal, supported by the rest of the school's staff, is responsible for putting the policies into action.

Do council members participate in the day-to-day management of the school?

No. The principal, assisted by the school's staff, will be responsible for implementing council policies and administering the school.

Must council policies be consistent with local board policies?

In two areas, yes. In the other areas, no.

There are two areas where the law quoted above clearly requires that consistency:

- If the policy deals with "Procedures...for determining alignment with state standards, technology utilization, and program appraisal" or

- If its purpose is to "...provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and KRS 158.6451."

In the other policy areas, however, the law does not list that sort of requirement. That is, it does not spell out such a rule for curriculum, staff assignment, student assignment, school schedule, space use instructional practices, discipline and classroom management or extracurricular programs.

Most analysts believe that means that councils are free to adopt innovative approaches that differ from their boards' approaches, but there are some dissenters.

What other limitations apply to council policy making?

Council decisions must be consistent with:

- State and federal laws and regulations;

- Concerns for health and safety;

- Concerns for liability;

- Financial resources available;

- Contractual obligations to personnel and other providers of goods and services; and

- The authority delegated to councils within the statute.

In general, the professional development offered to councils should cover these issues in enough detail to allow councils to avoid these problems. In addition, councils should feel free to check with the district's central office. If they still need more information, the Kentucky Department of Education, the Office of Education Accountability or a private attorney may be able to help.

Do councils have to obey program reviews issued by the Kentucky Department of Education?

No. Program reviews (and the older, similar documents called program advisories) do not have the force of law. They often provide helpful advice, but if a council decides after some consideration to do things differently, it is free to do so.

What Happens When A Council Acts Improperly

Each council will presumably make its best efforts to respect the limits on its powers. If a council accidentally exceeds one of those limits, the fairest first step when the error is noticed is simply to ask the council to change the policy.

If a council does not agree to make the change, several procedures can be used to resolve the matter.

Each district board has a policy for handling appeals of council decisions. Those processes generally call for the board of education itself to review the issue and decide whether the policy should be upheld or reversed. That policy needs to state the specific reasons that would lead to a council policy being reversed: a policy that lists no grounds, or lists some but says the board is not limited to those grounds, is probably void because it is too vague for a court to enforce.

If a policy violates state or federal laws or regulations, officials from that level of government may also take action to require the council to make changes.

Where health and safety, liability or breach of contract are at issue, someone may also be able to bring a lawsuit to get the council decision changed.

Financial issues are more properly addressed in Part IV, which deals with resources, but it is worth mentioning here that when a council tries to overspend, the district's central office can decline to process the orders submitted.

Can councils choose which policy areas to be responsible for?

No. The law says they shall address all these topics.

However, councils do not have to make changes in all areas. A beginning council can simply adopt a policy that states that that topic "shall continue to be governed in the same way it was when the council was formed." Later, if problems do emerge, the policy can be amended. If the council develops a school improvement plan, that plan can provide guidance about which policies need to be developed or revised first.

Chapter 10
Curriculum and Instructional Practices

What is a school's curriculum?

A school's curriculum outlines all the knowledge a school sets out to provide its students, both specific information and general learning skills. A school's planned curriculum could be quite specific regarding topics to cover, the order of coverage and the materials to be used. It could also be more general, allowing each teacher flexibility and discretion.

Reference: Subsection (2)(j)1 of KRS 160.345 directs councils to adopt policies in the area of "determination of curriculum, including needs assessment and curriculum development." See Appendix A, page 120.

What are instructional practices?

Instructional practices are the methods a school uses to help students acquire knowledge and develop skills. For any part of the curriculum, several instructional approaches are possible. Permitting schools to implement innovative practices tailored to individual student needs is one of KERA's major objectives. Each school council is empowered to set policy on how topics will be taught in its school, based on its understanding of what will work for its students.

Once again, this policy can pick particular practices to use or it can allow teachers substantial freedom to decide how to deal with their classes. Because these practices must be implemented by individual teachers, it may be especially important to seek a consensus of school staff on the issue before adopting a school council policy.

Reference: KRS 160.345, Subsection (2)(j)6, directs school councils to adopt policies in the area of "planning and resolution of issues regarding instructional practices." See Appendix A, page 121.

What are the goals of a school's curriculum and instructional practices?

Each school's curriculum and instructional practices should be designed to ensure that all students are successful. Students will be considered successful if they achieve the 75 Learner Outcomes that count toward meeting the goals of the Kentucky Education Reform Act.

A council may also want to address other issues of special concern to the school community. For instance, one school may place special emphasis on an Appalachian heritage, while another gives extra attention to the racial and ethnic diversity found in the neighborhoods around it.

What are the Learner Outcomes?

KERA set goals for Kentucky's students and its schools. It also directed the Council on School Performance Standards to work out in measurable terms what is expected under each of KERA's six goals for students. The new state assessment system measures students' success in achieving those outcomes, as discussed in the chapter above on "Accountability for Student Success." Each council should be thoroughly familiar with the Learner Outcomes and work steadily to achieve them.

Reference: The complete set of Learner Outcomes is listed in Appendix C. See pages 131-135.

Are there any examples of a curriculum that can achieve the Learner Outcomes?

Many schools have begun developing such programs, and the State Board for Elementary and Secondary Education has published a model curriculum framework that reflects KERA's goals, outcomes and assessment strategies.

Councils will want to study them closely for insight into what the new accountability process requires and for information on approaches they might use to prepare to meet those requirements.

However, KERA does not mandate a single, comprehensive strategy for meeting these goals. Even the model framework is meant only as a guide for schools to use in developing their own programs, not as a mandate for all schools to follow to the letter; the law says that the framework is to "provide direction to local districts and schools as they develop their curriculum." KERA calls for school councils to choose the curriculum and instructional practices that will best help their particular students measure up to state standards.

Reference: The duties of the Council on School Performance Standards appear in KRS 158.6451, subsections (1)-(3). The model curriculum framework is required by KRS 158.6451, subsection (4).

Can a school maintain separate programs for different types of students?

Yes, if such programs allow the school to serve individual needs better.

Each program will need to be consistent with KERA's first goal for schools, which calls on them to "expect a high level of achievement of all students." This legal standard reflects growing research evidence that expecting some children to achieve less than their peers will often cause them to underachieve. Grouping students based on apparent differences in ability should therefore be approached with considerable caution, though it remains helpful in some cases.

Of course, there are many other reasons to offer a varied program. Specialized offerings can motivate the students and staff by tapping their interests and talents in ways that a single plan for everyone never could.

Where it seems feasible, school councils may even want to consider individualized offerings. For instance, students might develop their writing and library skills by researching topics they select themselves. If a particular student is struggling with a particular topic, he or she may need a specialized plan to master it. Similarly, a student who finds a subject especially easy can benefit from the opportunity to work ahead.

In some cases, special programs may also be the only way to comply with regulations attached to funds a school receives to serve students with particular types of needs.

Do council policies on curriculum and instructional practices have to be consistent with district board policies?

No. Most analysts read the law to mean that councils are free to adopt innovative policies in these areas, but there are some dissenters.

Reference: KRS 160.345(2)(j)1 and (2)(j)5 include no language allowing a requirement of consistency with board policies. See page 120. 704 KAR 7:110 confirms that boards may not impose such a limitation on council curriculum and instructional practice policies. See page 129.

Can councils make policies that affect categorical programs?

Yes. A categorical program is any program funded by the state or federal government with restrictions on how the money can be used. Categorical programs that could be affected by council policies on curriculum and instructional practices include:

- Federal Chapter 1 efforts to help disadvantaged children;
- Federal Chapter 2 money for educational innovations;
- Federal Individuals with Disabilities Education Act Part B ("IDEA Part B") resources for students with handicaps;
- State gifted and talented funding; and
- State extended school service dollars.

Each of these programs is discussed in more detail in one of the boxes at the end of this chapter.

A council cannot make decisions that violate the state or federal laws and regulations on these programs. If the district has already filed a required written plan for the year, the council cannot alter that plan unless the Kentucky Department of Education approves an amendment.

However, a council can make policy changes that do not violate the district plan then in effect. Later, when a new plan is filed, it should reflect curriculum and instructional practice policies set by the council unless those changes would violate the program's rules.

What state and federal laws and regulations limit policies on curriculum and instructional practices?

Other than categorical program restrictions, the main considerations include:

- The primary program required for all students who have not entered grade 4, and
- The Program of Studies for Kentucky Schools.

The boxes below describe these two initiatives in more detail. The council may want to ask the district board or its attorney to identify and explain these rules and any others that apply. If a council needs additional assistance, the Kentucky Department of Education, the Office of Education Accountability or a private attorney may be able to help.

Primary Programs

The primary program is another major KERA initiative. State law specifies that, no later than the beginning of the 1993-94 school year, all children who have not entered fourth grade must be in programs with seven attributes:

- Developmentally appropriate educational practices;
- Multiage and multiability classrooms;
- Continuous progress;
- Authentic assessment;
- Qualitative reporting methods;
- Professional teamwork; and
- Positive parent involvement.

The State Board for Elementary and Secondary Education has adopted a regulation with official definitions of these terms, which councils are legally required to follow. The Department of Education offers a number of publications with suggestions that councils may find helpful but do not have to obey.

The primary school program is governed by KRS 158.030 and 156.160 and by 704 KAR 3:440.

The Program of Studies

Before KERA, the Program of Studies was the state's main guideline for school curriculum. Although some parts of it are inconsistent with KERA, it was still in effect as of June 1993. School councils must either set curriculum policies within its limits or seek a waiver from the State Board for Elementary and Secondary Education. A copy of the Program of Studies and all revisions to it are sent to each school principal.

For schools serving kindergarten through sixth grade, compliance with the Program of Studies is fairly simple. For those years, the Program of Studies provides a brief statement of the general subjects students must learn about, leaving councils with broad discretion about precise things to teach and ways of teaching them.

For grades 7 through 12, the requirements are more specific. The Program lists course titles and provides a paragraph description of what the course should include. All the courses do not have to be offered; schools can choose those that are most helpful for their students and the lists for each topic are long enough to give considerable flexibility.

Councils that find a definite conflict between the Program of Studies and courses they think would help students succeed can seek state permission to offer a course not listed in that document from the Commissioner of Education.

704 KAR 10:050 lists the specific information that needs to be included in each application.

Chapter 1

The federal Chapter 1 program is the largest and best known of the categorical programs. Its resources can only be used to serve specially identified children from poor families. Each year, after the state determines each district's eligible funding, the district submits an application that explains how the money will be used. Councils cannot make decisions that require the Chapter 1 program to operate in a manner inconsistent with that application, but they are entitled to ask that future applications reflect council decisions unless those decisions would violate Chapter 1 law or regulations.

702 KAR 3:245 requires that councils review and comment on the Chapter 1 budget before it is submitted. The Chapter 1 program is governed by 20 USC 2701-2731.

Chapter 2

Chapter 2 is a relatively small federal program that provides money for specific types of educational innovations. Each district plans an annual program for the use of its share of the money and submits that plan to the state in an application.

Under 702 KAR 3:245, councils must review and comment on that budget before it is submitted. Chapter 2 funding is provided under 20 USC 2911-2952 and regulated in Kentucky by 704 KAR 3:335.

Gifted and Talented Programs

The state provides special funding to serve gifted and talented students, and it requires each district to develop a plan for serving those students that fits within rules set in 702 KAR 3:285.

Under 702 KAR 3:245, councils must review and comment on the gifted and talented budget before it is submitted.

Extended School Services

Some students need extra school time to master the statewide goals. KERA mandates that schools provide those children with extended school services. This additional time can be provided before or after school, on weekends, during the summer or by any combination of the three. Councils will want to make sure that pupils in their schools receive services that are consistent with their regular curriculum.

702 KAR 3:245 requires that councils review and comment on the district's extended school services budget before it is filed in Frankfort. Extended school services are mandated by KRS 158.070 and regulated by 704 KAR 3:390.

Children with Disabilities and Exceptional Traits
IEPs, IDEA Part B Funding and Services for Exceptional Children

There are both state and federal requirements for how schools serve children with disabilities or exceptional traits.

First, an individualized education plan or IEP must be developed for each child with a disability. The plan must be worked out in consultation with the student's parents to provide that child a ''free and appropriate public education and related services designed to meet his or her unique needs.'' IEPs must place students in the least restrictive environment appropriate to their needs; when that situation is a regular classroom, the placement is often called mainstreaming. In adjusting the school's curriculum and instructional practices, a council should make sure the school will be able to carry out the IEPs for all students that have them.

Some costs of these services will be covered from federal money provided through Part B of the Individuals with Disabilities Education Act (IDEA). Kentucky requires each district to submit a plan to the Kentucky Department of Education for the use of those resources. Each district must also submit a plan for educating exceptional children to the State Board for Elementary and Secondary Education. If either of these plans conflict with council ideas for school improvement, the school needs to stay within the district plan unless plan revisions can be proposed and approved at the state level.

702 KAR 3:245 provides that councils are to review and comment on the IDEA Part B budget before it is submitted. See page 127. Education of handicapped students is governed by 20 USC 1400-1420 and 707 KAR 1:015-1:090. ''USC'' is an abbreviation of ''United States Code'': to find 20 USC 1412, one would look in volume 20 of the Code and find section 1412. In Kentucky, education of exceptional students is also governed by KRS 157.230 and by 707 KAR 1:015-1:080.

The Commonwealth Diploma Program

One curriculum option for high schools is the Commonwealth Diploma Program. Students can qualify for a Commonwealth Diploma by completing additional, more difficult course work than they would need for regular high school graduation. The program thus offers able students an opportunity for additional academic achievement during their high school years. Secondary schools that decide to participate in the program must make a commitment to offer the courses their students will need to receive the diploma. High school councils may want to consider whether to make Commonwealth Diploma offerings part of their curriculum policy.

The Commonwealth Diploma Program is governed by 704 KAR 3:340.

Chapter 11
Schedules and Assignments for Students, Staff and Space

What aspects of school scheduling does the council control?

Under KERA, the school council controls four schedule-related policies:

- Assignment of all instructional and non-instructional staff time;
- Assignment of students to classes and programs within the school;
- Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board; and
- Determination of use of school space during the school day.

These four items are obviously interdependent: students and teachers need times and places to work together; noninstructional staff work needs to be arranged so that it doesn't interfere with learning; and so on.

Reference: Subsections (2)(j)2 through (2)(j)5 of KRS 160.345 direct councils to adopt policies in the four areas listed above. See Appendix A, page 120-121.

SCHOOL SCHEDULE

How should the council go about developing a school schedule?

Each school already has a schedule in place. Maintaining that schedule would be the easiest policy, but it would only be wise if the schedule is genuinely suited to school needs.

As the school council considers curriculum and instructional strategies, it may also see reasons to revise the schedule. For instance, as a technique for building reading skills, an elementary school may want to have a school-wide reading time, perhaps half an hour each day when every student chooses a book for independent reading. Another school may want to spend each Friday on shared special projects integrating several parts of the curriculum--one week a farm day featuring biology, social studies and math and another week a Renaissance day integrating history, art and writing.

Once the council has a broad outline in mind, it can then write specific policies on how to fit staff, students and facilities into that plan. In some cases, the effort to fit these elements together will reveal weaknesses in the original scheduling plan, leading to further refinements.

What restrictions apply to a school's daily and weekly schedule?

The SBDM law specifies that the schedule policy a school council adopts must fit within district board decisions on:

- The opening and closing times for each school day; and
- The annual school calendar, including days for professional development, holidays, mourning and disaster and also the total number of days school will be in session.

In addition, each school's schedule must respect three statutory requirements regarding teacher time:

- Internships for new teachers and participants in alternative certification programs;
- Non-teaching time for all teachers; and
- Teacher lunch periods.

These three requirements are explained in more detail in the boxes on the next page.

References: District board control of the school calendar is established by KRS 158.070. School council policies are subject to the district's opening and closing times under KRS 160.345, subsection (2)(j)4. See Appendix A, page 120.

Time for Non-Teaching Duties

KERA mandates that teachers have additional time for the following non-teaching activities:

- Professional development;
- Instructional planning;
- Curriculum development;
- Outreach to students' families and the community; and
- School-based shared decision making.

There is no definite policy yet on how much specific additional time must be allowed, but the law does clearly provide that teachers must have some time beyond what local district and school policies gave them when KERA was enacted. Each local school board is therefore obligated to provide adequate funding and other resources to make that additional non-instructional time possible.

Additional noninstructional time for the purposes listed above is required by KRS 158.060(2).

New Teachers and Alternative Certification Candidates

Under state law, first-year teachers (and out-of-state teachers with less than two years of successful teaching) must serve supervised internships. The school schedule may need to allow them time to work with their supervisory committees. In addition, each supervisory committee includes a resource teacher who usually works at the same school as the new teacher he or she is to help. (The Kentucky Department of Education selects the resource teachers and pays them a small stipend). The schedule may also need to give these resource teachers time to observe and assist their teacher interns. These training requirements for new teachers are established by KRS 161.030.

Alternative certification programs train people for teaching who have not obtained a standard undergraduate teaching degree. Participants will first complete a seminar and practicum and then teach for 18 weeks on a half-time basis, and if successful, for another 18 weeks on a full-time basis, all with close supervision and support. If a school hires one or more teacher-candidates in such programs, special staffing plans will be needed. If experienced teachers in the school serve on the candidate's professional support team, they will also need time for their supervisory duties.

Alternative certification programs are governed by KRS 161.048 and 704 KAR 20:590-610.

Teachers' Lunch Periods

KRS 158.060(1) says that teachers must have a duty-free lunch period as long as the period given to students and in the same block of time as student lunch periods. (For example, if student lunches are scheduled between 11:30 and 1:00, and all students are given half an hour to eat, teachers must also have half an hour during that time.) The same section of the law says that teachers who are assigned lunchroom duty are legally guaranteed a significant period of free time: specifically, no classroom duty for 55 minutes plus a number of minutes equal to the time spent supervising student lunches. In many schools, it turns out to be simpler to hire lunchroom monitors than to use teachers and comply with these requirements.

STAFF TIME ASSIGNMENT

What should a time assignment policy for classroom staff cover?

The council's policy should set guidelines regarding how each member of the staff will be assigned duties for the year. For example, the policy might identify the factors to be considered when teachers and aides are assigned each year to specific grade levels or courses. It also might set dates when teachers will receive assignments and a process for teachers to follow to indicate whether they want to keep the same assignment as last year or try something different.

A staff assignment policy might also set rules about how many staff members will work with each group of students during each period in the day. For different tasks and different kinds of students, these guidelines may vary widely, from one teacher supervising many pupils while they work independently, to three or four guiding small group discussions in corners of the same room. As always, the crucial consideration needs to be finding arrangements that will help the school's particular students develop the capacities KERA has set as goals for all Kentucky students.

In addition, the policy needs to provide each instructional staff member with time for non-teaching duties and make allowances for special scheduling needs of new teachers and staff who are participating in alternative certification programs.

What should time assignments for other staff include?

The other school staff range from counselors to custodians, including anyone who does not work directly with students on learning tasks. Their scheduling needs vary quite widely depending on their roles and the particular services school councils want them to provide. All of these personnel, however, should work in the ways that provide the best support for student learning. Their schedules should minimize interruptions of student-teacher educational time.

Some personnel may have responsibilities mandated by law or by the state or federal programs that provide funding to the school. Once again, the school board or its attorney should identify and explain the applicable rules.

The principal will assign staff to particular tasks based on the policies the council adopts.

STUDENT ASSIGNMENTS

What should be included in a student assignment policy?

The assignment policy should allow each student to have the program that will maximize his or her achievement. In the primary school, this may be simply a matter of planning to divide the entering students equally between several classrooms, while in a senior high school it may involve complex standards for matching each student's needs with an array of different classes and programs.

The council may want its policy to include consideration of a student's age, past study and performance, current needs and special talents. It may also want to set maximum class size and related rules.

Must school council policies abide by state class cap size rules?

No. The class size rules identify the maximum number of students who can be enrolled in any class, with variations by grade levels, but those rules apply only to schools that have not implemented school-based decision making.

In some cases, a school's staff may feel strongly that those rules are good ones and the council may choose to adopt a policy setting limits like those in state law.

In other cases, schools may decide that some variation would help students learn. For instance, before KERA was enacted, a school that had 60 students ready for fifth grade would have had to create two classes of no more than 29 students (the maximum class size), and then create some kind of mixed-grade class in order to provide for the two remaining students. Under KERA, a council might decide that adding one pupil to each of the two classes would be better for the affected students and would allow the school to hire several classroom aides.

If a school council decides to exceed the class cap sizes, what effect will that decision have on its resources?

The school must continue to receive enough funding to stay within the class size caps. If a district would have to provide an additional teacher or aide at a school without a council, it needs to provide the funding for a teacher or aide at an SBDM school, too. To give the SBDM school less funding would discriminate unconstitutionally against its students.

The SBDM exemption from the class size maximums means councils get the same resources as other schools, but more flexibility about how those resources are used. It does not mean districts can provide SBDM schools with less money or staff.

Reference: Subsections (4), (5) and (12) of KRS 157.360 establish class size limits, and each subsection specifically states that the limits do not apply to schools that implement school-based decision making, as does 702 KAR 3:190, which deals with exemptions from those class size rules for non-SBDM schools.

What limitations govern student assignment policies?

A school's assignment policies cannot violate the rules of the special programs discussed in the chapter on "Curriculum and Instructional Practices," including:

- The primary program;
- Individualized Education Plans for students with disabilities;
- The gifted and talented program;
- Extended school services; and
- Chapter 1.

Council policies should also be consistent with:

- Federal law banning gender discrimination in the programs available to male and female students; and

- The rules of any other categorical program affected by their policies.

The council should ask the district board or its attorney to identify and explain these rules and any others that may apply. If a council needs additional guidance, it may want to consult the Kentucky Department of Education, the Office of Education Accountability or a private attorney.

Reference: The federal ban on gender discrimination is found in 20 USC 1681, which is often referred to as "Title IX."

USE OF SPACE

What should be considered in a policy governing use of school space?

The policy needs to guide the location of different school classes and programs. It should also address whether student groups and outside organizations may use school facilities during the school day at times when they are not needed for instruction or other regular school operations.

Use of the building outside of school hours will still be governed by district policies. Of course, district policies should not prevent schools from using the building to carry out policies that are the councils' responsibility, such as providing extracurricular activities or student support services after school. In dealing with after school building use, as in many other areas, good communication between council and board will be needed to serve students well.

What legal limitations apply to use of school space?

The following limitations may apply:

- Equal access for student religious groups; federal law provides that, if the school permits school facilities to be used by student interest groups, it cannot discriminate against those student-run interest groups that deal with religious topics; and

- Equal access for military recruiters; state law requires that schools that permit outside groups or individuals to enter the school and inform students of career or education possibilities must admit military recruiters on the same terms as any others.

The council should ask the district board or its attorney to identify and explain these rules and any other laws or regulations that apply to Kentucky schools that have implemented school-based decision making. The Kentucky Department of Education, the Office of Education Accountability or a private attorney may also be able to provide guidance if needed.

References: The student religious group access rule is found at 20 USC 4071-4072. The military recruiter access rule is found at KRS 160.297.

Can councils make decisions that conflict with insurance limitations?

No. Those limitations generally involve issues of liability, and they commonly also involve health and safety. Those are valid reasons for a district board of education to reverse a council decision. Before the school council uses facilities in an unusual way, it should ask the district to review whether insurance will cover that arrangement. District coverage also should be checked before inviting outside groups to use school facilities.

Chapter 12
Discipline and Classroom Management

What is discipline and what is classroom management?

Together, disciplinary rules and classroom management techniques work to encourage proper student behavior.

Discipline policies often consist of rules of conduct and policies for dealing with students who break those rules. Such policies may include specific penalties and they may also set out procedures for notifying parents, insuring that all sides of a story are heard and responding to repeated misbehavior.

Classroom management is a broader concept, involving varied ways of organizing students' activities to promote learning. For instance, in organizing its primary program, a school may find that some children are less prepared than others to work cooperatively. A classroom management policy might include beginning each year with special activities to practice cooperation or it might propose to divide students into working groups that balance strong and weak group skills. Ideally, if a classroom management policy is successful, the discipline rules will rarely need to be invoked.

Reference: Subsection (2)(j)7 of KRS 160.345 directs councils to adopt policies in the area of "Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal." See Appendix A, page 121.

What should school policies for discipline and classroom management include?

Overall, the policy should set out clear expectations for student behavior, plans for communicating those expectations to students and helping students live up to them and consequences for failing to meet the school's requirements.

The school's policy must specify the responsibilities of students, parents, teachers, counselors and the principal for maintaining an orderly environment for student learning. Councils are legally required to state these roles clearly. Thinking them through can help the council see the various steps needed to create a sound learning environment.

At least once a year, parents, students and staff should be notified of the disciplinary portion of the school's policies, including rules students must obey, procedures when a rule may have been broken and penalties that may apply.

These policies will be most effective if they reflect input from students, parents and staff at the school.

How does the school's policy relate to the district's discipline code?

State law required districts to adopt such codes in 1984 and submit them to the Department of Education for approval. That law is still in effect, but so is the law requiring that councils now set school policy in this area.

One way to reconcile the two is to compare the policy proposed by the council with that adopted by the board. If they are already compatible, no further action is needed. If there is a divergence, the board needs to amend its code to allow the council's approach to be used at its school, and resubmit the code for approval by the Department of Education.

Reference: The requirement that districts set discipline codes approved by the state is found in KRS 158.148 and 704 KAR 7:050.

What laws and regulations restrict council policies?

Specific limitations councils must respect include:

- State mandated procedures for suspensions and expulsions;
- The state ban on paging devices owned by students and a requirement that school officials confiscate or ban them if brought to school (there is an exception for members of volunteer fire or medical services); and
- The driver's license suspension rule, requiring notification of state authorities when students are academically deficient or have nine or more unexcused absences in one term. (Drivers' licenses can only be suspended if the district offers an alternative education program for students who have difficulty in regular school programs.)

Additional laws or regulations may also apply, and councils can ask their district board or its attorney to identify and explain them. If a council needs additional information, it can also consult the Kentucky Department of Education, the Office of Education Accountability or a private attorney.

References: Suspensions and expulsions must follow the procedures set out in KRS 158.150. Paging devices are governed by KRS 158.165. Driver's license rules and the alternative education program requirement can be found in KRS 159.051 and 704 KAR 7:100.

Who decides whether corporal punishment can be used?

Although councils are generally responsible for discipline policy, using corporal punishment may raise questions of health and safety and of liability in a civil suit. It is reasonable for a district board of education to raise those issues if a council makes the decision to use corporal punishment. If those concerns are not resolved and an appeal of the council decision is made, the board of education could legally invalidate the council's pro-corporal punishment policy.

(It is also possible that a district board might allow corporal punishment, and a council might choose not to use it. In that case, it seems like that the council's decision would be sustained, because the board would not have such health, safety or liability concerns about corporal punishment not being used.)

Do councils deal with individual cases of student misconduct?

No. The school's principal is responsible for implementing the policies set by the council and may delegate some of that work to other members of the school's staff. The council itself should not be responsible for reviewing allegations, deciding punishments for individuals or hearing appeals of those decisions.

Chapter 13
Extracurricular Programs

What are extracurricular programs?

A school's extracurricular programs are voluntary student activities that do not contribute directly to a school's academic efforts. They include most sports, clubs, school plays, academic teams, debate teams and similar activities.

Extracurricular programs may offer an important model to the rest of the school program. In general, they require students to carry through some complete activity, often practicing and refining it to move closer to an adult standard of good performance; they bear a significant resemblance to the performance events that form a major part of Kentucky's new assessment program. The fact that students participate voluntarily in these programs is an indication of the kind of enthusiasm that should permeate the school's whole program. Likewise, the coaching role played by adults in these programs can often exemplify the kind of personalized teaching that will best prepare students for success in an outcomes-based education system.

Reference: Subsection (2)(j)8 of KRS 160.345 directs school councils to adopt policies addressing "selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation and supervision." See Appendix A, page 121.

What is the purpose of extracurricular programs?

Some extracurricular programs may be offered just to let students have fun in a safe, well-run environment. But many extracurricular programs can contribute to achieving KERA's goals, and councils may want to give these programs priority. For instance, school plays and musical activities develop student talents and teach them about the arts; students who become deeply involved may even learn more quickly in these programs than they do in their regular classes. Other programs are natural opportunities for students to practice problem solving and the integration of knowledge.

KERA's goal of "demonstrated effectiveness in community service" should be given extra consideration in thinking about extracurricular programs. Students involved in sporting programs might be challenged to organize a community work day to improve nearby athletic facilities or to volunteer at a Special Olympics day for children with handicaps. A school paper might look into a local litter problem or investigate area recycling needs. In many cases, extracurricular programs that students volunteer for may be ideal opportunities for encouraging genuine service to the community.

What does the extracurricular policy need to include?

KERA requires that school council policies address these issues:

- Which extracurricular programs will the school offer?
- What academic qualifications, attendance requirements and other standards must students meet to participate in those programs?
- How will the programs be evaluated?
- What sort of supervision will the school provide during these programs?

What restrictions apply to school extracurricular policies?

In setting extracurricular policies, the school council will want to consider the following limitations:

- School district insurance; activities should not be planned if they will not be covered by the district's liability insurance;
- Federal equal opportunity requirements; these rules require that male and female students receive equal educational services and will need special consideration when deciding which sports to include;
- The state basketball rule; this provision requires schools with a boys' basketball team to maintain the same program for girls. Schools must meet this standard unless the boys' team only plays against other teams within their own school.
- District transportation policies; the council should know whether the district will help students get to off-campus activities and whether it will help students get home from school if they stay after the regular bus schedule; and
- Kentucky High School Athletic Association rules; those regulations govern various aspects of high school sports.

The council should ask the district board or its attorney to identify and explain these rules and any other laws or regulations that apply to Kentucky schools that have implemented school-based decision making. If a council needs additional guidance, it may want to contact the Kentucky Department of Education, the Office of Education Accountability or a private attorney.

References: The federal equal opportunity requirement is found in 20 USC 1681, often referred to as "Title IX." The state basketball requirement is found in KRS 157.350, subsections (5) and (6).

Can schools hold fund raisers to pay for extracurricular programs?

Yes. School-wide fund raisers must have the permission of the local school board, but voluntary booster clubs that meet after school hours do not need such permission.

Reference: KRS 158.290 governs school fund raisers.

Can schools charge fees for participation in extracurricular activities?

Yes, but only if permitted by district board of education policy.

State law requires all districts to have a procedure for waiving fees for students who qualify for free or reduced price lunches. Districts must set aside money for waivers of each student fee, which may make district officials less willing to authorize fees than they have been in the past.

The State Board for Elementary and Secondary Education has adopted a regulation indicating that waivers are not required for some fees. That regulation is controversial and some lawyers believe the law requires waivers for all fees, not just those listed in the regulation.

Councils concerned about poor students who cannot get waivers for some fees may wish to consult the Office of Education Accountability or to seek private legal advice on this problem. Individual students can also be referred to a nearby legal services organization that may be able to advise low-income families on their rights under state law. Finally, councils can choose not to offer programs that depend on fees their districts will not waive.

References: Fee waivers are required by KRS 160.330, and regulated by 702 KAR 3:220.

Chapter 14

Procedures for Determining Alignment with State Standards, Technology Utilization and Program Appraisal

What should the council's policy on procedures for determining alignment with state standards cover?

The most important state standards to consider are the Learner Outcomes, since those are the basis for assessment and accountability. The council policy on this issue should provide some process for reviewing the school's entire program and determining whether it is well organized to achieve those goals. At many schools, an improvement plan is already being developed annually and the council may find that planning process already includes such a review of alignment with state standards.

Councils may also want to set up procedures for comparing the school's program with the state initiatives described in the chapter on "Curriculum and Instructional Practices," including:

- The Program of Studies;
- The primary school;
- Extended school services; and
- The gifted and talented program.

The procedure the council uses for looking at alignment with state standards must be consistent with any established in district board of education policy.

What should a policy on procedures for determining technology utilization include?

It should address steps the school will take to decide how technology will be used. Councils may want to review the planning process already required by the Kentucky Education Technology System, and some may want to adopt that process or one very like it as their own procedure for addressing this issue.

The procedure adopted in this council policy must be consistent with any established in district board of education policy. Technology purchases are discussed in more detail on the chapter on "Textbooks and Instructional Materials" (see page 89 and pages 94-95).

What should a policy on procedures for program appraisal include?

The issue here is how the school will analyze whether its programs are effective. Many schools are already developing annual plans for school improvement that include an evaluation process at the end of each annual cycle, and councils may want to identify that evaluation mechanism as their way of appraising program effectiveness.

The procedure adopted in this council policy must be consistent with any established in district board of education policy.

Chapter 15
Policies To Enhance Achievement and Meet KERA Goals

Can a council policy address issues other than those discussed in Chapters 9 through 14?

Yes. The issues discussed in those chapters are specific items listed in section (2)(j) of the SBDM law. Section (2)(c) of the same law calls for councils to exercise a more general responsibility for the school:

> The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and KRS 158.6451.

Under this authority, councils can address a wide range of topics, as long as they do so based on a belief that these issues will have an impact on student achievement and school success.

Note, however, that policies enacted under this section of the law must be consistent with the policies of the district board of education. That means that councils have less discretion here than in dealing with curriculum, instructional practices, school schedule, staff time assignment, student assignment, space use, discipline and extracurricular programs. (The procedures policy discussed in Chapter 14 is a special case, because the law explicitly says that particular policy must line up with board decisions.)

Shouldn't all council policies enhance achievement and address KERA goals?

Certainly. That's the main reason for councils' existence. Policies in each of the specific areas discussed in previous chapters should be focused on those goals.

Council Resource Decisions

Chapter 16
School Council Funding Allocations

What resource decisions do councils make?

All the decisions councils make that do not involve policy writing can be described as resource decisions. These decisions are described in three subsections of the school-based decision making law:

- Subsection (2)(g), which calls for councils to decide how many people to employ in each job classification;
- Subsection (2)(h), which calls for councils to select the textbooks, instructional materials and student support services provided at their schools; and
- Subsection (2)(i), which calls for councils to pick the person to be hired when the school needs a new principal, and for the council to be consulted before the principal selects persons to be hired for all other vacant positions.

The chapters of this section explain how councils handle these resource issues.

Who will determine how much money each council will be able to spend on personnel, textbooks, instructional materials and student support services?

The SBDM law provides that the State Board for Elementary and Secondary Education is to enact a formula for allocating money to school councils. Each district board of education then makes allocations to councils using that formula.

The formula in effect in July 1993, is summarized in the box titled "The State Board Allocation Formula." Each year, after local boards adopt projections for spending, the amounts projected for school level staff and instructional materials will be divided among its schools following that formula, and councils will make decisions about using the money set aside for their schools. In a pilot program using a similar formula, more than half of each participating district's annual budget was distributed among its schools.

The State Board Allocation Formula

As of July 1993, the allocation formula set by the State Board can be found in 702 KAR 3:245, and it works in five main steps.

Step 1: Determine the Amount Available for Allocation to All Schools

By January 31, the district board will determine a projected overall budget for the district.

From that budget, amounts will be set aside for use by the central office that cover all costs of Administration, Attendance Services, Health Services, Transportation, School Food Services, Community Services and Debt Service and most aspects of Operations, Maintenance, Capital Outlay and Fixed Charges. All money for categorical programs will also be set aside.

The money that remains will cover school level instructional and custodial staff salaries and benefits and also new and replacement instructional materials. That amount will be allocated among district schools using Steps 2 through 5. In a spring 1992 pilot program using a similar formula, that remaining amount was more than half of each district's General Fund Budget.

Step 2: Allocation Based on Certified Staff Needs

Part of the money identified in Step 1 will be allocated to each school based on a projection of its need for certified staff, using the following steps.

First, a district-wide staff allocation policy will be used to estimate how many certified staff positions the school needs. (District boards that do not have such a policy must adopt one.)

Then, those needed positions will be translated into dollar figures for salary and benefits. For staff already at the school, the salaries and benefits due each person will be used. For positions that are vacant, 95 percent of the district average salary and benefits for that classification will be used instead.

Step 3: Allocation Based on Classified Needs

A process like step 2 will be used for a school's needed classified staff (those whose jobs do not require state certificates). Again, a district-wide staff allocation policy will be applied to determine the school's need for positions, and then those needed positions will be translated into dollar figures for salary and benefits, with 95 percent of the district average used for positions that are vacant.

- continued on next page -

Step 4: Allocation Based on Instructional Materials Needs

An additional amount will be allocated to meet each school's need for instructional materials. To determine this amount, the district will calculate last year's average spending per pupil on these items. Then it will increase that amount by the same percentage as any increase in the funding guaranteed by the state's school financing plan (the SEEK Program). Finally, it will multiply that increased amount by each school's projected enrollment. This regulation will replace an earlier one requiring an allocation of a minimum of $75 per pupil, but it should result in similar or greater allocations for instructional materials.

Step 5: Allocation of Any Remaining Amount

If Steps 2 through 4 do not use all the money identified in Step 1, each district board will have a policy on how the remaining money will be distributed among schools. The board can direct that the allocation be based on:

- Each school's enrollment,
- Special factors that the board believes result in students needing additional goods or services, such as low family income, learning disabilities, special requirements of a particular grade level or other considerations identified by the board, or
- A combination of those special factors and overall enrollment.

Decisions about Spending the Allocations

On March 1, each council will be notified of its allocation. The chapters on ''Staff'' and ''Technology and Instructional Materials'' discuss how councils can use the resulting money.

The complete text of the funding regulation can be found in Appendix B, pages 125-127.

Will councils be able to deposit their allocations in their own bank accounts?

There is no law specifically forbidding districts to issue councils checks for their allocations, and some districts have done so for the instructional materials portion of council funding.

However, the Department of Education strongly recommends against this practice, because of the stringent bonding, bidding, check-writing and accounting rules that schools would have to follow. A better approach may be for districts to handle the money, carrying out purchase orders submitted by the councils and sending councils regular reports on spending to date.

Will the formula be changed in the next few years?

Officials at the Department of Education have stated that they assume revisions will be needed. No other state has tried to create such a formula and Kentucky will need to work through a variety of problems and concerns before a fully satisfactory formula can be put in place.

Moreover, the formula does not yet address several important issues, including:

- Categorical program dollars not covered by the formula;
- Funds for student support services; and
- Funds for textbooks used in grades 9-12. (There is a separate regulation on textbooks for the lower grades, because those are covered by special state funds.)

The absence of a state formula in these areas does not mean that councils cannot exercise their responsibilities in them. Instead, it means that each board will need to set its own policy stating how resources will be allocated to councils until the State Board acts.

Do councils get to participate in decisions about money from categorical programs?

Yes. Categorical programs are the state and federal programs that provide the district with money that can only be used for special purposes. Many of those programs are discussed in the chapter on "Curriculum and Instructional Practices," including:

- Federal Chapter 1 funding;
- Federal Chapter 2 funding;
- Federal Individuals with Disabilities Education Act funding;
- State gifted and talented funding; and
- State extended school service funding.

Two others are discussed in the chapter on "Textbooks and Instructional Materials:"

- State textbook funding; and
- State technology funding.

Most of that money is used for school-level staff, instructional materials and student support services. Under the SBDM law, councils are entitled to decide how money for those items will be used at their schools.

The current State Board funding formula does not tell districts how to allocate categorical money to councils. That means that each board of education must set its own policy specifying how the money will be divided among its schools. That policy must be consistent with the state or federal rules about how the money is to be used.

Likewise, once councils receive allocations from categorical programs, they can only use the money according to each program's requirements.

How can councils find out what categorical money is available for their schools?

The district must present the budget for each categorical program to the council each year, and the council must review and comment on it before that budget is filed with the state. If the budget does not provide details on what money will go to each school, it is reasonable for the council to ask for that information as part of its review of the budget plan.

Reference: 702 KAR 3:245, subsection (9), states that ''Each year school councils shall review the budgets for all categorical programs and provide comments to the local board prior to the adoption of the budgets.'' See page 127.

Must boards give councils an allocation for professional development?

No. The SBDM law does not require them to do so. It does require that each district's SBDM policy address professional development, but it does not require that that be done by giving councils control over a specific amount of money.

A separate state regulation on the creation of district plans for professional development specifies that each school shall design an annual plan for professional development, and each district's professional development offerings shall support the instructional improvement goals set in those school level plans.

Reference: Board SBDM policy is required to address professional development by subsection (3)(d) of KRS 160.345: See Appendix A, page 121. The state requirements for school and district professional development planning can be found in 704 KAR 3:035-E.

Are councils responsible for utility bills, custodial supplies and equipment or repairs to buildings and equipment?

No. The law does not assign these decisions to councils. Conceivably, a district board could adopt a policy adding them to councils' responsibilities, provided it also made them appropriate additional allocations. Since many of these issues can be handled efficiently by central office staff, any such decision should give careful consideration to whether those tasks would distract from the councils' main role of working to improve student learning.

Chapter 17
Staff

What roles do councils play in staffing decisions?

Under the SBDM law, councils have a number of staff-related responsibilities. They:

- Determine the number of people the school will employ in each job classification;
- Select the person to be hired when the school needs a new principal;
- Are consulted before the principal selects persons to fill other vacancies; and
- Establish the school's policy on assignment of staff time.

This chapter discusses all of these issues except assignment of staff time, which was covered under "Schedules and Assignments for Staff, Students and Space" (see pages 49-52).

Staff evaluation, transfers and dismissals are also discussed here. Those decisions are not council responsibilities, but they have a significant impact on school success.

Reference: Council powers over a school's staffing pattern are stated in KRS 160.345(2)(g). Council roles in dealing with vacancies are covered in KRS 160.345(2)(i). See Appendix A, page 120.

THE NUMBER OF PERSONS TO BE EMPLOYED

Who decides what staff a school needs?

The school council decides how many people to employ in each job classification, subject to a number of restrictions. The most important restrictions are these:

- The school council must use the job classification system established by state officials and the district board.

- Total staff costs must not exceed the dollars available for personnel at that school.

- If some staff members are paid out of money received from special state or federal programs, their work must meet any requirements set by those programs.

What is the job classification system?

The job classification system lists minimum education and experience required for each position and allows advances in rank for those with special training or additional years of service. For jobs that require state certificates, such as teaching or counseling, qualifications are set by the state's Education Professional Standards Board. Jobs that do not require certificates are called "classified" positions, and the Commissioner of Education establishes state-wide minimum qualifications for those positions. All public school employees must fit the state requirements for either a certified or a classified job. The district board can require additional qualifications above the state mandates.

References: The Education Professional Standards Board's powers are established by KRS 161.028. The Commissioner's duty to set qualifications for classified employees is stated in KRS 161.011.

How much money will each school have for personnel?

The allocation will be determined using a formula enacted by the State Board for Elementary and Secondary Education. Details of the formula in effect in July 1993, can be found in the chapter on "School Council Funding Allocations."

The regulation does not tell districts how to make allocations for staff who provide health services or food services or staff who are paid by categorical programs. Councils may need to ask the district to explain how and when these allocations will be made.

Reference: KRS 160.345(8) directs the State Board to adopt a formula for allocation of district funds to school councils. See Appendix A, page 122. The Board's current requirements are found in 702 KAR 3:245, which can be found in Appendix B, pages 125-127.

What should a council consider in selecting a staffing pattern?

A school's staffing needs depend on its overall educational strategy. A council should seek the personnel it needs to achieve KERA's goals for its pupils, giving each student the learning opportunities planned in the school's curriculum and instructional policies. One way to figure out what staff is needed might be to develop a schedule first, and then see how many staff members will be needed in each period of the day.

When a school hires teachers with little or no experience, will its staffing needs be affected?

Possibly. New and out-of-state teachers must serve internships and they must be supervised by resource teachers who frequently work at the same school. Other staff may be needed to work with students while new teachers and their resource teachers fulfill some internship requirements. Additional staff may also be needed if the school hires people being trained in an alternative certification program or has veteran staff working with trainees in such a program. More information on these issues can be found on in the chapter on "Schedules for Staff, Students and Space" (see pages 51-52).

When can a council reduce the number of persons in a job classification?

If a position in that classification is already vacant, due to a retirement, a resignation or some other event, a change can be made immediately.

If there is no vacancy in that classification, there is less certainty about what the law means. If there is no vacancy, a staff member might have to be denied contract renewal, and if all staff in that classification have tenure or have already been renewed for next year, a transfer or lay-off might be necessary.

Some concerned groups say councils can reduce the number of people in a classification as long as they don't ask for particular people to be removed from the school. They argue that abolishing a position is different from recommending transfers or dismissals, which the law does not allow councils to do.

Others disagree. They contend that abolishing a person's position is no different than recommending that that person be transferred or dismissed and therefore beyond what councils can legally do.

Reference: Councils are forbidden to recommend transfers or dismissals by subsection 2(g) of KRS 160.345. See Appendix A, page 120.

What can councils do about staff pattern changes until the legal question is settled?

Councils that think they may need to make changes that could affect current personnel should begin by finding out how their local district interprets this provision. They may also want to consult the Department of Education, the Office of Education Accountability or private legal counsel for advice.

Does the state require schools to maintain any specific types or numbers of staff members?

No. Prior to the enactment of KERA, the State Board's standards for school accreditation did specify services for schools to provide and a list of professionals who could provide those services. KERA repealed the state law that permitted the State Board to set accreditation rules, so those requirements no longer apply.

Some districts or schools may seek accreditation from a voluntary association. Such accreditation is widely seen as a valuable indicator of quality and councils may want to think carefully before reducing staff below the levels those groups require. The decision may be especially important at the high school level, since accreditation can be a factor in student's prospects for college admissions. However, those accreditation rules are not legally binding on councils.

Are there limits on what kinds of staff can be paid with funding from special state or federal programs?

Yes. Several state and federal programs provide money to help particular groups of students and each program includes rules on what work people paid with its funds can do. A number of these programs are described in the chapter on "Curriculum and Instructional Practices," including:

- Federal Chapter 1 money;
- Federal Chapter 2 money for educational innovations;
- Federal money for students with handicaps;
- State gifted and talented money; and
- State money for extended school services.

Other programs that may contribute to staff funding include:

- State and federal money for school meals; and
- State money to prevent students from dropping out.

A school's personnel money from any such earmarked funds should be clearly identified in its allocation, and the district school board or its attorney should advise each council of the legal limits on their use.

FILLING VACANCIES

Who picks new staff members when the school has a vacancy?

The principal picks all new staff members (other than his or her own replacement) after consulting with the school council. Staff vacancies at each school will be filled through a four step process:

- First, the district superintendent will submit a list of applicants to fill the vacancy. If the school requests, the superintendent must provide additional applicants if qualified applicants are available.

- Second, the principal will consult with the school council about the applicants.

- Third, the principal will select the person to fill each vacancy.

- Fourth, the district superintendent will complete any steps necessary to hire the person the principal selects.

Reference: KRS 160.345(2)(i) sets forth the process for hiring new staff under school-based decision making. See Appendix A, page 120.

What does "consultation with the council" mean?

Since the law says specifically that the principal selects the persons to be hired to fill any vacancy (except for his or her own replacement), consultation means that he or she must ask for and listen to the advice of the council before he or she makes the final choice.

There are many ways that this consultation could occur, and the principal and the council need to have a clear process worked out between them. Because hiring has such long-term implications, it is important to develop a consultation plan soon after the council begins work, so that everyone involved understands what steps will be taken, and after a position is filled, everyone will be satisfied that the decision was arrived at fairly.

It is common for schools to have one or more vacancies that need to be filled quickly just before the school year begins. Councils may want to consider having a different consultation process to deal with those late summer needs, one that allows decisions to be made more quickly than at other times of the year.

What limitations apply to the principal's selection of new staff members to fill vacancies?

Principals are bound by the same rules that bind district superintendents who hire staff for schools without school-based decision making, including the following:

- State and federal anti-discrimination laws banning discrimination based on sex, age, ethnic origin, race, religious opinion, political opinion or handicapping condition;
- State hiring regulations setting requirements for each job classification;
- State "adjunct instructor" rules that allow people to teach for one year in fields with a critical teaching shortage even though they lack some of the normal qualifications, provided no person certified to teach that subject is available;
- State rules barring employment of relatives of school board members or the superintendent within a school system and relatives of a principal within that principal's school; and
- Any contract rules agreed to by the district board and a district collective bargaining organization that apply to transfers within the district.

The council should ask the district board or its attorney to identify and explain those rules and any other laws or regulations governing hiring that apply to Kentucky schools that have implemented school-based decision making. A council that needs additional guidance may want to consult the Kentucky Department of Education, the Office of Education Accountability or a private attorney.

References: The types of discrimination noted above are forbidden by KRS 161.164 and 42 USC 2000e-2. Hiring of adjunct instructors is governed by KRS 161.046. Employment of relatives is restricted by KRS 160.380.

Can a superintendent ever transfer staff to a school that the principal has not chosen after council consultation?

The SBDM law does not state any exceptions, but there may be some implied exceptions in cases where the district needs to honor a contractual obligation to a current employee. The Department of Education recently issued a Program Review identifying a number of circumstances that might create that sort of need, and those are listed in the box on the next page. Although Program Reviews do not have the force of law, the argument for each of those exceptions seems compelling.

When those exceptions do not apply, however, the council has the right to be consulted, and the principal has the right to select the person to be employed. Transfers that by-pass the principal and council without involving one of those exceptions violate state law.

EXCEPTIONS TO SBDM IN FILLING VACANCIES

The language below is taken directly from recommendation 9 of the Kentucky Department of Education's Program Review on Suggested Hiring Procedures in SBDM Schools:

A superintendent may transfer or assign a staff member to an SBDM school without allowing the principal selection rights or the school council consultation rights when the only position available is at an SBDM school and one of the following circumstances exists:

a. When a reduction in force exists (for example, because of a decrease in enrollment, closing of a school or territorial changes affecting the district) and it becomes necessary to find a position for a certified staff member because of teacher seniority rights....

b. When positions become available subsequent to a reduction in force, and KRS 161.800 applies to require the following: [tenured teachers] have the right of restoration to continuing service status in the order of seniority of service in the district if qualified for the position.

c. When the superintendent must honor an employer-employee bargained contract on transfers.

d. When required pursuant to the district wide affirmative action plan, whether voluntary or involuntary.

e. When an employee is returning from a leave of absence.

f. When a court or teacher tribunal has ordered the reinstatement of a former employee.

g. When an administrator has been demoted and must be assigned within his or her area(s) of certification.

h. When an employee (certified or classified) under contract must be placed to avoid a breach of contract.

i. When a principal has been hired and his or her spouse needs to be transferred out of the school to avoid a nepotism violation under KRS 160.380(2)(g), and the only position available for which the spouse is certified is at an SBDM school.

Who picks new principals?

The school council chooses the school's new principal when a vacancy occurs. The local superintendent recommends a list of applicants; the council may ask for a list of additional names if no applicant on the first list seems suitable. Once the school council selects the person they want, the superintendent does the official work of hiring that person.

As in the case of hiring other staff, the council's choice must comply with certain legal standards including nondiscrimination rules, state and local required job qualifications and any applicable collective bargaining agreement. Again, the district board or its attorney should identify and explain these and any other relevant rules to the school council.

Reference: KRS 160.345(2)(i) governs the hiring of new principals under school-based decision making. See Appendix A, page 120.

EVALUATIONS, TRANSFERS AND DISMISSALS

Who decides how school staff will be evaluated?

Each district board of education must establish a staff evaluation plan, which is subject to State Board for Elementary and Secondary Education approval. Staff evaluation is not a council function. However, principals play a significant role in staff evaluation in their capacity as administrators.

Reference: District evaluation plans are required by KRS 156.101 and 704 KAR 3:345.

What can council members and others do if they have serious concerns about the performance of a school staff member?

They can share their thoughts with the principal, so that he or she can consider that information in evaluating the staff member. Council members' opinions will have no special status, but the principal may consider them along with the advice of any other citizen who chooses to comment on school affairs.

If the conduct in question is not permitted by council policy, council members do have an official role in dealing with breaches of their policy. The principal has an obligation to enforce council policy, and council members are entitled to answers to questions about whether that is being done.

If the conduct seems likely to harm student performance but is not addressed in current council policy, the council may also want to consider whether a policy should be established in one of the areas discussed in chapters 9 through 15.

References: KRS 160.345(2)(g) states that councils have no power to recommend transfers or dismissals. See Appendix A, page 120. The principal's responsibility to report some types of wrongdoing is set forth in KRS 161.790. The right of citizens, including council members, to ask district officials to respond to staff-related problems at a public school is protected by the First and Fourteenth Amendments to the United States Constitution and by section 8 of the Kentucky Constitution.

Can the school council recommend transfers or dismissals of staff members?

No. KERA specifically states that the council does not have the authority to recommend transfers or dismissals. The district superintendent makes those decisions.

However, the principal (as school administrator rather than as a council member) may have a duty to report conduct warranting dismissal or to recommend transfers in cases where a staff member is unsuited to a particular school's program.

Under what circumstances can the superintendent transfer a staff member out of a school that has implemented school-based decision making?

The answer to this question is not yet clear. In the past, superintendents have had substantial authority to reassign staff from one school to another, provided proper procedures were used. Now, however, some transfers may constitute improper or illegal interference with school-based decision making. There are no definite rules on the topic yet, so if a council is concerned about actual or possible transfers that could harm its school, it should talk first to district officials. If there still seems to be a problem, the council may want to contact the Department of Education, the Office of Education Accountability or private legal counsel for advice.

Under what circumstances can a principal change the work done by a member of the school staff?

In general, such changes are assignments of staff time and so should be made in a manner consistent with council policy on those issues. Those policies are addressed in the chapter on "Schedules and Assignments for Staff, Students and Space."

Chapter 18
Textbooks and Instructional Materials

What are instructional materials?

Instructional materials are the various supplies students use to learn and the additional items teachers use in preparing to teach them. These include familiar items such as paper and chalk. They also include the manipulative materials now used to teach math in many schools and the wide variety of items students can use to learn science through hands-on activities. Materials used in extracurricular programs, including sports, also fall under this category. Almost anything can be used for learning: What your school needs will depend on its curriculum and its instructional strategies.

Who selects textbooks and instructional materials for schools that implement school-based decision making?

School councils do.

Can councils authorize members of the school staff to make some of these decisions?

Yes. Many councils adopt an overall budget and then ask the principal or others to select specific items to be purchased within the limits set in the budget. For instance, the librarian might be a natural person to pick the new books and periodicals needed for the library, using the dollars budgeted by the council for that purpose.

On the other hand, a council that does not decide to delegate those responsibilities can review and approve every purchasing decision made using its allocation for instructional items.

Are councils entitled to participate in decisions about textbooks and materials purchased with categorical program funds?

Yes, provided their choices are consistent with the rules of each program. The chapter on "Curriculum and Instructional Practices" discussed a number of such programs, including:

- The Chapter 1 program;
- The Chapter 2 program;
- The gifted and talented program;
- Extended school services; and
- Individuals with Disabilities Education Act funding.

This chapter will provide additional information on two other categorical funding sources:

- The State Textbook Fund; and
- The Kentucky Education Technology System.

What happens if a school has a special one-time need for special equipment?

The district board of education can make an allocation to cover those needs, without being required to spend an equal amount in future years. For example, creation of a primary program or restructuring of a high school may require a different type of resources than the school has had before, calling for extra spending for a year or two to get the program off to a good start. A similar rule applies when a new building opens: it would obviously be unreasonable to require a school to cover all its start-up needs out of an allocation like those of schools that already have most of their equipment in place.

Are there limits on what textbooks and materials a council can select?

There are official state adoption lists identifying textbooks that can be used in Kentucky schools, electronic items that can be purchased with Kentucky Education Technology System dollars and some types of instructional materials that can be purchased with money from the State Textbook Fund.

What process must councils follow in selecting textbooks and instructional materials?

For schools that serve primary through grade eight, councils must approve a plan each year, and then make selections consistent with that plan. For schools that serve grades nine through 12, the process is somewhat different. Accordingly, this chapter has two separate sections based on grade levels. School technology is governed by additional rules, discussed on page 89 and pages 94-95.

Adoption Lists And What They Mean

Kentucky now has lists of textbooks, electronic instructional materials and a few types of other materials that have been officially adopted for state use.

Textbooks

The State Textbook Commission selects the textbooks that can be used in Kentucky schools and places them on the State Multiple List. It is illegal to use a book not on the list as a class's basal text unless a waiver is obtained from the State Board for Elementary and Secondary Education. To get a waiver, the school must show that the book meets all the standards set for books that are on the list. Once a waiver is granted, state textbook funds can be spent on the item, but only up to the cost of the most expensive book that was placed on the adoption list for that subject.

Electronic Instructional Materials

The Kentucky Education Technology System will adopt a list of electronic instructional materials. Only items on the list can be purchased with state technology funds.

Non-Electronic Materials Subject to Adoption

Starting in 1993, the State Textbook Commission will also review the following kinds of instructional materials:

- Supplemental basal programs;
- Kits;
- Master units; and
- Programmed instructional materials.

In those categories, only items that appear on the resulting adoption list can be purchased with state textbook funds. However, items that fit within those categories but are not on that list can be purchased with other dollars the school receives from the district board of education.

Other Instructional Materials

There will be no state adoption list for instructional materials in other categories. That means that schools are free to pick from among all the options offered on the market. Library books, magazines, and math and science manipulatives are among the many kinds of items that are not covered by a list.

References: KRS 156.433 requires the State Board to establish regulations identifying instructional materials eligible for purchase with state textbook funds. KRS 156.395-474 are the laws relating to textbooks. KRS 157.100, 157.110 and 157.190 provide for free textbooks for students.

PRIMARY THROUGH GRADE 8

What type of plan must these schools develop for textbooks and instructional materials?

The regulation adopted by the State Board specifies that schools must plan each year the items they will purchase over the next six years. The plan must address the KERA goals and Learner Outcomes.

The plan must also include opportunities for teachers in primary through grade eight to cooperate in the selection of materials. The Department of Education will provide a guide and format councils can use to document their plans.

Does the plan have to be developed using the process and format made available by the Department of Education?

No. The process is recommended as a thorough way to approach this planning, but it is not required by the textbook regulation.

Who will approve the plan?

Under the regulation now in effect, the council must approve the full plan. The district board of education will then review the plan to determine whether adequate funds are available to implement it. If funds are adequate, the regulation requires the board to approve the plan. If funds are not adequate, the board must return the plan to the council for amendments. If the board and council cannot agree, they can appeal to the Commissioner, who will make the final decision.

However, the Administrative Regulation Review Committee has attached a letter to the regulation, and that means that at the end of the 1994 session of the General Assembly, the regulation will no longer be in effect. Accordingly, it is likely that the process in 1994 and thereafter will be somewhat different than the one now in use.

When must the plan be completed?

There is no deadline but state textbook funds will not be released to the district until all schools in the district have submitted their plans. Most schools try to complete these plans in the spring.

Once the plan is complete, what will happen?

The district superintendent will notify the state when all schools in the district have complete plans.

The state will then release state textbook money to the districts, so that books and materials can be purchased.

The superintendent will notify each school of its allocation from the state textbook funds. In addition, the school will have funding from the district for materials: each school will learn about those district funds on March 1 each year.

Councils will then approve lists of specific books and materials to be purchased, using both state textbook funds and district materials funding.

Can the council revise its plan?

Yes. In fact, a new plan must be prepared every year. The point of the planning process is to make each council think through the long-range implications of its current choices, while leaving room to adjust to new developments each year.

Reference: The regulation that requires council planning for textbooks is 704 KAR 3:450. It will be in effect until the end of the 1994 General Assembly.

GRADES 9-12

Do schools have to prepare plans for buying textbooks and instructional materials for these grade levels?

No. Since some of the items purchased must be used for many years, councils will want to make these decisions carefully and systematically, but there is no state law or regulation requiring them to develop any particular type of plan.

Are there limits on the types of items that can be purchased for high school use?

Yes. For textbooks, only items on the state adoption list can be used as basal textbooks unless the school obtains a waiver from the State Board to use other texts.

For electronic instructional materials, only items on the state list can be purchased with money from the Kentucky Education Technology System, but others can be purchased with instructional materials money from the district.

For non-electronic instructional materials, there is a state list, but schools are free to purchase items that are not on it. The benefit of buying items that are on the list is that the state has negotiated special contract prices that are often lower than schools can obtain on their own.

How much money will schools have to purchase instructional materials at these levels?

The dollar amounts should be determined according to the school council allocation formula adopted by the State Board for Elementary and Secondary Education. The formula in effect as of July 1993, is discussed in the chapter on "School Council Funding Allocations'' (see pages 71-76).

How much money will schools have to purchase textbooks at these levels?

Since there is no state-wide allocation formula, each district board of education will need to adopt a policy on how these purchases will be funded. However, it would be unreasonable for the district to require these items to be paid for out of instructional materials funds, since elementary schools get specific funding to meet the textbook needs.

In some districts, high school textbooks are paid for by rental fees charged to students. To rent books out, each district must maintain a centralized rental system. Once a school enters school-based decision making, it must be allowed to select the books that will be available to its school from that system.

Textbook Fee Waivers

If a school charges textbook fees, they must be waived for students who qualify for free school lunches. Students who qualify for reduced price lunches are entitled to a reduction in their textbook fees. If a student does not meet the standards for free or reduced price lunches, but has exceptional family circumstances making it impossible to pay the fees, districts must also consider that student's request for free textbooks.

Textbook fee waivers and reductions are required by KRS 157.110 and 702 KAR 1:005.

The Purchasing Process for Items the Council Selects

Once the council selects items to be used at the school, the precise process for buying them may vary from district to district.

In some districts, councils are being permitted to keep their instructional materials budget in a separate bank account and to make purchases directly from suppliers. However, that arrangement is only legally proper if the council meets quite stringent requirements, including:

- Keeping accounting records that use the state's official accounting codes for each expenditure;
- Designating a treasurer who must be bonded to protect against misuse of funds;
- Establishing a depository bank and a penal bond; and
- Following state bidding laws that set rules for advertisements that list what the school wants to purchase, the acceptance of official bids from suppliers, the opening of the bids and the awarding of contracts.

In addition, some suppliers may be unwilling to deal directly with councils because the council is not a legal corporation with the power to incur debts.

In other districts, district staff are still responsible for actually handling all the school system's money and for keeping records of that spending. If a particular purchase can only be made by advertising for bids, the district staff handles that process as well. Councils inform the district of the items they want purchased, and the district does all the paperwork needed to acquire those items. Many councils will find this a much easier way to handle procurement and the Department of Education strongly recommends it.

Where district staff continue to handle the actual purchasing of instructional materials, the council may need to follow any reasonable process the district establishes. A reasonable process may include required forms, needed information and a schedule stating when requests must be sent to the district office in order to have items by a needed date. The district may also check to be sure that the school will not exceed its total allotment, that the items are truly meant for instructional use and that applicable state and federal rules have been followed.

EDUCATIONAL TECHNOLOGY

What is the Kentucky Education Technology System?

It is the KERA initiative to ensure state-of-the-art technology is in active use in Kentucky schools. It includes two major components:

- An instructional system to enhance student performance using a wide range of learning technology; and

- An administrative network that will eventually link every teacher's desk and every school office to its district office and the Kentucky Department of Education, dramatically easing the flow of information and the efficiency of the whole system.

The Council for Education Technology developed the blueprint for KETS, and that blueprint will now be implemented over a number of years. To participate, each district must prepare a detailed plan that fits within the statewide blueprint.

How is KETS being funded?

The state will pay for the entire administrative network and will match district dollars to pay for the educational components.

How will each district's plan be developed?

The recommended process for developing district technology plans is laid out in the KETS Planning Workbook. The workbook provides an orderly set of steps for gathering community input, assessing needs, developing plans, addressing financial considerations and reviewing the quality of district plans.

What will the role of school councils be?

The KETS Planning Workbook rarely mentions councils, though it does recommend that a school council member serve on the district planning committee. It also requires that each school have a technology planning committee to provide input to the district plan, but it does not indicate how those committees will be formed.

Since the district plan will have major implications for instructional materials, curriculum and instructional practices, it would make sense for districts to seek very active council involvement in the planning. One way to do that might be to ask each council to name its school's technology planning committee, and there are likely to be other approaches that would result in a plan that will support SBDM schools' strategies for creating student success.

In addition, councils will review and comment on each district's technology budget. KETS is a categorical program as defined in the school council funding formula regulation and that means each district must obtain council input before submitting its KETS budget to the state as part of the district's technology plan.

Reference: Each district's Technology Coordinator has a copy of the KETS Planning Workbook. The Workbook can also be obtained (in hard copy or on disk for use with Microsoft« Works) by writing Mr. Kevin Noland, Kentucky Department of Education, 500 Mero Street, Frankfort, KY 40601, and making a request under the Open Records Law.

Chapter 19
Student Support Services

What are student support services?

Support services include any effort (other than instruction) that the school makes to help students be prepared to learn. Such services can include tutoring, counseling, screening for learning disabilities and a wide range of other types of assistance.

Reference: Section 2(h) of KRS 160.345 provides that councils shall select student support services to be provided in their schools. See Appendix A, page 120.

What should school councils consider in deciding which services to offer?

School councils will want to begin by finding out what services the school has been offering and trying to identify other services pupils have needed in the past.

Councils should select those services that can do the most to help attain the goals for students and schools listed inside the front and back covers of this guide. For example, KERA's last goal for schools, dealing with successful student "transitions to work, post-secondary education, and the military" might be met in part by a mentoring program that pairs students with adults in careers that interest them. Counseling and job fairs are among the many other support services that can contribute to meeting this particular goal.

What procedure will be used for selecting and requesting support services to be provided by the schools?

As of July 1993, no state regulations have been issued on how this matter will be handled. To carry out the law, each district board needs to have a policy for funding these services at schools that implement school-based decision making. This policy should provide a mechanism for telling each school council what funds are available each year for services to its students, and a schedule for councils to decide which services it wants to receive within that funding.

In the past, districts have provided support services at least four different ways:

- Staff assigned to specific schools: For example, guidance counselors frequently work in a single building with the students enrolled there.
- Itinerant staff: Psychological services are a good example here, since they are frequently performed by one psychologist who travels from school to school but is officially based at the district's central office.
- Service contracts: In some cases, districts have only a few students who need a service, and may hire a private agency: this is particularly common when dealing with the needs of handicapped and exceptional students.
- Cooperative arrangements with other districts: This approach is also used when only a few students in each system need a service; each participating district provides part of the salary for a staff member who travels to schools throughout the cooperative area.

It seems likely that the district board will decide which of these options to use to provide the services each school council requests. If the district opts to fund personnel assigned to the school, the school council's personnel powers will apply, as discussed in the chapter on "Staff." If itinerant staff, contracts or cooperative arrangements are used, it is more likely that a visiting person will provide services. In such cases, the principal and the school council will need to work with the superintendent to be sure that person's services do not disrupt other parts of the school's schedule.

Are there any services a school must provide?

State law does not impose any requirements, but a State Board regulation mandates that schools establish a cumulative health record for each student and provide screening and follow-up services for health problems.

In the past, the state's accreditation standards have required some additional services. The accreditation process assessed the adequacy of each school's program and resources, including its services, and schools that fell short of the standards were required to plan and implement improvements. That process was abolished by KERA; the accreditation some schools still seek comes from a voluntary organization and is not legally required.

Reference: The health record requirement is found in 704 KAR 4:020.

Are extra funds available to serve students with special needs?

Yes, for eligible students, the district may already be receiving funds from targeted state and federal programs. The chapter on "Curriculum and Instructional Practices" (pages 44-47) has already described some of those sources, including:

- Federal Chapter 1 funding;
- Federal Individuals with Disabilities Education Act funding;
- State gifted and talented funding;
- State funding to educate exceptional children; and
- State funding for extended school services.

Some types of student support services can also be funded through:

- State grants for dropout prevention; and
- Federal and state school meal subsidies.

If the district has funds available from these sources for student support services, the school council should be able to decide how the school's fair share of them will be spent.

Will the state monitor the effectiveness of services the school provides?

Yes, by looking at student and school success on the goals set by KERA. Specific data will be collected on attendance, dropout and retention rates, reduced barriers to learning and transitions from school. More generally, the quality of support as well as the quality of instruction will be reflected in the outcomes of student achievement assessments.

Family Resource Centers and Youth Services Centers

Councils are not responsible for providing all the services their students need. KERA also calls for the creation of new family resource centers and youth services centers that should address many of these needs. These centers will be set up at or near each school where 20 percent or more of the students are eligible for the free school lunch program. KERA requires that centers be created in 25 percent of eligible schools each year until all centers are in place. Each center will have a local advisory council to provide input from those most directly affected by its services.

School councils have no official responsibility for these centers, but they will want to avoid duplicating services and will want to maintain good communication in order to help students in their school succeed. Councils may also want to offer some informal suggestions for center operations based on their knowledge of the school's students and families.

The centers are required by KRS 156.497.

Partners In Building Student Success

Chapter 20
Relations with the District

THE LOCAL BOARD OF EDUCATION

What aspects of school-based decision making can a district school board regulate?

As a general matter, each district board has established school-based decision making by enacting the policies required by KERA, and each board may modify or refine those policies so long as the changes are consistent with the SBDM law.

Boards are also required to adopt policies addressing how a number of facets of district operation will interact with school-based decision making. State law does not say how these matters are to be handled, only that the policy implementing SBDM must cover them. The specific areas are described in the box on the next page.

Each board must also decide whether to grant councils additional powers beyond those guaranteed by law, and each board must provide council members with insurance against liability for actions they take as part of their council work.

In addition, the board may set policies to address issues concerning the formation of school councils that are not addressed by KERA. Those policies cannot, however, conflict with the rules for council operations established by state law.

References: KRS 160.345, subsection (3), requires district boards to adopt policies regulating school-based decision making in the nine areas listed below. See Appendix A, page 121. The board power to grant councils additional powers and the board duty to provide insurance for council members appear in KRS 160.345, subsection (4). See Appendix A, page 121. Board responsibilities for council formation issues not addressed by state law are specified in KRS 160.345(2)(e). See Appendix A, page 120.

Additional SBDM Policy Topics

Section (3) of the SBDM law says that a local board of education's policy must address the following topics:

- Budget and administration. Under the SBDM law, these policies can cover discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses.
- Assessment of individual student progress. The board adopts methods for monitoring student learning and sets rules for reporting on that progress to students, parents, the school district, the community and the state. This part of board policy frequently includes the format and frequency of report cards.
- School improvement plans. This aspect of board policy is discussed in the chapter on "Planning the Council's Work."
- Professional development. This aspect of board policy is discussed in the chapter on "School Council Funding Allocations."
- Parent, citizen and community participation. Board policy must address these arrangements, including the relationship of the school councils with other groups.
- Cooperation and collaboration. The board arranges or approves programs shared with other public and private agencies, with other districts or among schools within the district.
- Waivers of district policies: There are many areas outside the realm of council policymaking and resource decisions where district board policy still sets the operating rules for the school. Councils can ask for waivers that allow them to vary from those rules, and this part of board policy explains how to do that.
- Record-keeping.
- Appeals: If someone believes a council has acted wrongly, this part of board policy specifies how to get that council policy reviewed.

What other board decisions affect councils' work?

Each local board of education will continue to direct district decisions in the areas not specifically assigned to councils. Among the decisions that will have the greatest impact on councils are these:

- Evaluation plans for assessing the quality of each employee's work, rewarding high achievement and promoting improvement in any weak areas;

- The district's annual budget, including amounts available for allocation to school councils and for services that support council work;

- Staff allocation policies used to determine what funding each council will receive;
- The schedule of the school day and school year;
- Transportation policies for getting students to and from school and related events;
- Salary schedules for all district employees;
- Hiring the superintendent and determining central office staffing levels and job descriptions, which in turn will largely determine the types and quality of support available to councils;
- Location and design of new buildings and repair, renovation or retirement of old ones; and
- Assignment of students to schools.

References: Personnel policy roles of the board are governed by KRS 160.380 and 160.290. Board hiring involvement is prohibited by KRS 160.180. Hiring of superintendents is controlled by KRS 160.350 and 160.352. Waiver policies for pupil fees are required by KRS 160.330 and 702 KAR 3:220. The board's duty to maintain school buildings is specified by 704 KAR 4:020.

Can district boards require councils to develop school improvement plans?

Yes. State law says so explicitly. This issue is discussed in more detail in the chapter on "Planning the Council's Work" (see pages 31-34).

Can district boards approve or disapprove the school improvement plans councils develop?

As of June 1993, this issue had not been definitely settled. One circuit court had upheld a district policy that required board approval of council improvement plans, but that ruling was under appeal.

Can district boards overrule school council decisions on appeal?

Yes, sometimes. As noted above, each district school board must adopt a policy for appeals from decisions made by school councils. This policy should include information on who may appeal a decision, who will hear and decide the appeal, what types of decisions may be appealed and the circumstances under which a council decision may be reversed. The standards for overturning a council decision may vary from district to district, but to be lawful, they should be clearly spelled out in the policy.

Reference: KRS 160.345(3)(i) requires boards to establish a process for appealing a decision made by a school council. See Appendix A, page 121.

Can the school board excuse the school council from following district policies that apply to other district schools?

Yes, it can. School councils can ask the district board to waive district policies that interfere with plans the council wants to enact at a school. Under KERA, the board must adopt a policy stating the requirements for receiving such a waiver.

Reference: KRS 160.345, subsection (3)(g), requires districts to adopt a policy for waivers requested by councils. See Appendix A, page 121.

THE SUPERINTENDENT AND CENTRAL OFFICE STAFF

What do the superintendent and district staff do under a school-based management system?

The district superintendent is responsible for implementing board policies and supervising day-to-day district operations. That work includes a variety of tasks that support school councils and a range of others that are not part of the school-based decision making process.

Work To Be Handled Or Supervised By the Superintendent

Personnel

- Advertising jobs in the district, including school-level positions.
- Supplying lists of eligible applicants for school-level jobs to school principals and councils.
- Hiring persons selected by the principal or council for school-level jobs and selecting staff at the district level.
- Evaluating staff performance pursuant to the district evaluation plan, providing help to improve that performance and recognizing good work and significant steps forward.
- Determining transfers, promotions and dismissals of employees, subject to state laws and regulations and to any collective bargaining agreements that may apply.

District Funds

- Developing the district's annual budget and any long-range budget plans, including calculation of the amounts school councils may use for staff, instructional materials and student support services under formulas set by the State Board.
- Receiving all district revenues, including funds for use by the school council and holding those funds in appropriate bank accounts.
- Ordering all goods and services for use in the district, including those selected by school councils.
- Paying the bills for goods and services for use in the district, including the payroll.
- Maintaining books of account showing all district revenues, expenditures, assets and liabilities, arranging outside audits of those books and making required spending reports to the state and federal governments.

Transportation

- Planning and supplying all school bus transportation for district students.

Assistance to School Councils and Committees

- Creating district professional development plans to meet the needs identified in school level plans.
- Offering suggestions and resources on curriculum, instructional practices and other issues.
- Helping with planning and policy development.

Who conducts collective bargaining negotiations?

Those negotiations are the joint responsibility of the district board and the superintendent and only occur after the board recognizes an organization to represent a group of employees.

Chapter 21
Relations with the State

THE GENERAL ASSEMBLY

What is the General Assembly's role in Kentucky education?

The General Assembly is the branch of state government charged by the Constitution of the Commonwealth of Kentucky with providing "an efficient system of common schools throughout the state." That system must provide substantially equal educational opportunities for all students. The General Assembly's most important specific duties include:

- Enacting statutes that set up the state school system including the State Board for Elementary and Secondary Education, the state Department of Education and the local school districts and their boards and regulating their various operations;
- Determining the level of state education funding, how it will be spent and the taxation needed to pay for it; and
- Determining the levels and types of taxation local districts may use to raise additional school funds.

The Kentucky Education Reform Act of 1990 started a major new effort by the General Assembly to provide the kind of education required by Kentucky's Constitution.

THE OFFICE OF EDUCATION ACCOUNTABILITY

What is the Office of Education Accountability?

The Office of Education Accountability is a special agency created by the General Assembly to monitor and report on KERA's implementation and other aspects of Kentucky education. When allegations of wrongdoing are not satisfactorily resolved or explained by other local or state officials, the Office is also charged with investigating those allegations. The Office is a division of the Legislative Research Commission, which serves the General Assembly.

The Office maintains a toll-free number for questions about KERA's implementation: 1-800-242-0520.

When is it appropriate for councils to make contact with the Office of Education Accountability?

Because of its special role in assuring that KERA is properly implemented, school councils may wish to contact the Office of Education Accountability if they have difficulty exercising the responsibilities given to them by state law, or if they need clarification of an issue where they disagree with district authorities.

Where councils believe there is a "pattern of practice" of intentional interference with their work, they have the option of filing a written complaint with Education Accountability. That complaint will activate the formal review process described in the box on intentional interference. Written communication can be directed to:

The Office of Education Accountability
Capitol Annex
Frankfort, KY 40601

Reference: The duties of the Office of Education Accountability are listed in KRS 7.410.

Responding to Intentional Interference with School Councils

In 1992, Section 9 of KRS 160.345 was amended to create a process for dealing with efforts to thwart councils' work. The first paragraph of the amended section states that:

> No board member, superintendent of schools, or district employee shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (j) of subsection 2 of this section.

Notice the specific provision there that the behavior must be intentional and that it must be a pattern of practice, which probably means that a single isolated incident is not covered by this rule, but a series of two or more actions or a single continuous activity stretching over a long period would be.

Any affected party can take action to get the behavior stopped or punished. That means a teacher, parent and perhaps other citizens as well, could bring these charges.

Before taking such an action, consider the possibility that there has been a misunderstanding. Talk directly to the person involved, explaining the legal problem and asking for an explanation and a solution. If that works, no further steps are necessary. If that fails, you may also want to explore local solutions, including speaking to that person's direct supervisor or asking your local board of education to make sure that the SBDM rules set up by its policies are being carried out.

If local discussion fails, however, the new process allows you to file a written complaint with the Office of Education Accountability. Once you do that, Education Accountability must investigate and try to resolve the matter. If it cannot find a resolution, Education Accountability must refer the case to the State Board.

Once the case goes to the State Board, a person designated as a hearing officer will listen to both sides of the story and prepare a report for the State Board, including recommendations on what should be done. Both sides will have a chance to respond to the report in writing, and the State Board will read the reports and responses before deciding whether abuses have occurred.

The first time the State Board finds that a person has intentionally interfered with SBDM in the manner prohibited by the law, it can issue a reprimand. On the second offense, it has the authority to remove that person from office.

There is also another process for dealing with abuses that can move more quickly, but it requires action by the Commissioner of Education. Under KRS 156.132, the Commissioner can seek the reprimand or removal of school officials for a number of types of offenses. Willful neglect of duty and a deliberate violation of the school-based decision making law would count as such neglect. This law does not require proof of a pattern of practice and it does not require a second offense before a person can be removed from office. A single act, if grave enough, could lead to removal if the charges are brought by the Commissioner through this more severe process.

THE STATE BOARD FOR ELEMENTARY AND SECONDARY EDUCATION

What is the role of the State Board for Elementary and Secondary Education?

KERA defines the role of the State Board this way:

> The primary function of the board shall be to develop and adopt policies and administrative regulations by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating and evaluating the educational programs, services and activities which are within the jurisdiction of the board.

The State Board's specific duties include the following:

- **Accountability:** The Board oversees the creation of the statewide, assessment program, defines success for students and schools, sets thresholds of student success for each school to seek, sets the rules rewarding successful schools and districts and intervenes when schools fail to meet their threshold levels of successful student performance.

- **School-based decision making:** The Board sets the formula for the allocation of school district funds for each school council and considers applications to use alternative models.

- **Program regulations:** The Board adopts official operating procedures for a variety of aspects of education.

- **District performance standards:** Until 1996, the Board sets standards for district student, program, service and operational performance.

- **Commissioner of Education:** The Commissioner is appointed by the Board and serves at the Board's pleasure.

- **Interscholastic athletics:** The Board has appointed the Kentucky High School Athletic Association to manage these programs. The Board approves KHSAA rules, regulations and bylaws and it hears appeals from KHSAA decisions.

- **Removals and suspensions of school staff:** The Board must consider recommendations from the Commissioner of Education for the removal or suspension of any superintendent of schools or board of education member for immorality, misconduct in office, incompetence or willful neglect of duty and conduct hearings if requested by that officer.

References: The new assessment system is governed by KRS 158.6453. The accountability system is established by KRS 158.6455. The State Board's responsibilities for school-based decision making are listed in KRS 160.345, subsections (6), (7), and (8). See Appendix A, page 122. The State Board's regulatory responsibilities are described in the sections dealing with each particular program, including Kentucky Distinguished Educators (KRS 158.782), the commonwealth school improvement fund (KRS 158.805), and preschool services for at risk and handicapped children (KRS 157.3175 and 157.226). District performance standards are mandated by KRS 158.650-158.685. Appointment of the Commissioner of Education is governed by KRS 156.148. Interscholastic athletics are regulated under KRS 156.070, subsection (2). The Board's role in removals and suspensions appears in KRS 156.132.

Can the State Board waive a statewide regulation and permit a school to be excused from its requirements?

In some cases, provided the school meets a required level of academic success, the Board can grant such a waiver. A school council asks the district superintendent to request the waiver and the superintendent makes the official request. However, the superintendent has no authority to refuse to submit a request desired by a school council.

KERA provides that the waiver will be granted to schools achieving a specified level of academic success, as follows:

- Prior to the 1994-95 school year, schools must meet certain state standards for student, program, service and operational performance.

- After the 1994-95 school year begins, schools must achieve their threshold levels of student success before a waiver can be granted.

Waivers cannot be granted if the regulation in question is required by federal law or if it deals with:

- Health;
- Safety;
- Civil rights;
- Measurement of performance outcomes; or
- Determination of successful schools.

Waivers can be revoked if a school fails to achieve its threshold level after receiving the waiver.

Reference: Waivers from the State Board are governed by KRS 156.160, subsection (2).

THE COMMISSIONER AND THE DEPARTMENT OF EDUCATION

What are the responsibilities of the state Commissioner of Education?

The Commissioner is the chief executive officer of the Department of Education and also Secretary to the State Board of Education. The Commissioner is responsible for implementing statutes enacted by the General Assembly and regulations adopted by the State Board.

Reference: The Commissioner's main duties are set out in KRS 156.148.

What are the responsibilities of the Kentucky Department of Education?

Under the Commissioner's direction and subject to State Board regulations, the Department has a wide range of responsibilities. Under KERA, its primary role will be to provide technical assistance and advice to people working at the district and school levels to improve Kentucky education. Among the Department's most important tasks related to school-based decision making are:

- Assessing school and district performance, including implementation of the new statewide outcome assessment program after it is developed by consultants to the State Board;

- Helping schools and districts with curriculum design, school administration and finance, computer and technology services, media services, community education, secondary vocational education, education for exceptional students and professional development;

- Research and planning, including a statewide research and development effort to identify or develop the best educational practices to be used in the public schools of the Commonwealth;

- Monitoring the management of school districts, including administration and finance, implementation of state laws and regulations and student performance; and

- Implementing laws enacted by the General Assembly, regulations promulgated by the State Board for Elementary and Secondary Education and policies of the Education Professional Standards Board.

References: The responsibilities of the Department of Education are described in KRS 156.010, subsection 13.

Is there a division in the Department of Education with special responsibility for assisting school councils?

Yes, the School-Based Decision Making Division is responsible for overseeing state-wide implementation of school-based decision making. It can provide training for educators and council members and can also obtain answers to specific legal and practical questions about how to go about school-based decision making. The division can be reached at 502-564-4201 or 1-800-KDE-KERA.

REGIONAL SERVICE CENTERS

What do the Regional Service Centers do?

Regional Service Centers are set up to help teachers, principals, administrators and others implement school reform. Each one includes a director and consultants working on technology, primary programs, curriculum alignment and assessment and school-based decision making. Along with district central office staff, the Regional Service Centers should be a council's most regular source of ideas about how to enhance student success and make the reform act work.

Regulations, Advisories, Reviews and Other Communications from the State Board and Department of Education

State Education Officials are responsible both for ensuring that certain aspects of the law are obeyed and for helping schools create student success. Schools are sometimes confused about which ones must be obeyed and which provide suggestions that they should consider but may reject if they believe a different approach is more effective.

Here is a basic overview of those communications.

Regulations have the force of law and must be obeyed. They are adopted officially by the State Board for Elementary and Secondary Education, and are generally referred to by ''KAR'' numbers, which identify the chapter and section of the Kentucky Administrative Regulations where they can be found.

Documents ''incorporated by reference'' in a regulation also have the force of law. Sometimes the State Board wants to require schools to follow a detailed procedure set out in a Department publication. To do that, it adopts a regulation that says the publication is ''incorporated by reference'' into the regulation. For example, the regulation on professional development programs incorporates a document called the ''Professional Development Planning Process,'' which was prepared by the Department in January 1993. To obey the regulation, schools and districts must also carry out the steps required in that publication.

Program reviews do not have any official legal authority. The Department prepares those publications in order to share its best suggestions about how to make various parts of Kentucky education successful. It is always a good idea to give those suggestions careful consideration, but schools are legally free to try approaches different from the ones recommended in a program review. (Of course, if a program review quotes a regulation or statute, the quoted provisions do have to be followed.)

Program advisories are essentially the same as program reviews. The Department has changed to calling these documents ''reviews'' to emphasize that they are not requirements.

Other publications from the Department, unless they are incorporated by reference in a regulation, are also like program reviews and provide advice rather than requirements.

Appendices, Glossary and Index

Appendix A
Text of the SBDM Law (KRS160.345)

Required adoption of school councils for school-based decision making - Composition of councils - Responsibilities- Exemption - Intentionally engaging in conduct detrimental to school-based decision making by board member, superintendent, or employee - Complaint procedure - Disciplinary action

(1) The term "teacher" for the purpose of this section means any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals, assistant principals, and head teachers.

(2) By January 1, 1991, each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy shall also address and comply with the following:

(a) Each participating school shall form a school council which shall be composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. The parent representatives on the council shall not be employees of the district or employee's relatives, nor shall they be a local board member or his spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees.

(b) The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. The parent representatives shall be selected for one (1) year terms. The parent members shall be elected by the parent members of the parent teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. The principal or head teacher shall be the chair of the school council.

(c) The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and KRS 158.6451. The principal or head teacher shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

(d) All certified staff at a school may be participants in the school-based decision making. The staff may divide into committees according to their areas of interest, such as, but not limited to, grouped grade levels, subject areas, and special programs. Each committee shall elect by a majority of the committee a chair, who shall serve for a term of one (1) year. The committee shall submit its recommendations to the school council for consideration.

(e) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy.

(f) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply.

(g) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals.

(h) The school council shall determine which textbooks, instructional materials and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council.

(i) From a list of applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council. Requests for transfer shall conform to any employer-employee bargained contract which is in effect. If the vacancy to be filled is the position of principal, the school council shall select the new principal from among the persons recommended by the local superintendent. Personnel decisions made at the local school level under the authority of this subsection shall be binding on the superintendent who completes the hiring process. The superintendent shall provide additional applicants upon request when qualified applicants are available.

(j) The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment and curriculum development;

2. Assignment of all instructional and noninstructional staff time;

3. Assignment of students to classes and programs within the school;

4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;

5. Determination of use of school space during the school day;

6. Planning and resolution of issues regarding instructional practices;

7. Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal;

8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation and supervision; and

9. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal.

(3) The policy adopted by the local board to implement school-based decision making shall also address the following:

(a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;

(b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;

(c) School improvement plans, including the form and function of strategic planning and its relationship to district planning;

(d) Professional development plans developed pursuant to KRS 156.095 and 156.0951;

(e) Parent, citizen, and community participation including the relationship of the council with other groups;

(f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;

(g) Requirements for waiver of district policies;

(h) Requirements for record keeping by the school council; and

(i) A process for appealing a decision made by a school council.

(4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.

(5) After July 13, 1990, any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. By June 30, 1991, each local board shall submit to the chief state school officer the name of at least one (1) school which shall implement school-based decision making the following school year. The board shall select a school in which two-thirds (2/3) of the faculty vote to implement school-based decision making. If no school in the district votes to implement school-based decision making, the local board shall designate one (1) school of its choice. All schools shall implement school-based decision making by July 1, 1996, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon a favorable vote of a majority of the faculty at the school, a school performing above its threshold level requirement as determined by the Department of Education pursuant to KRS 158.6455 may apply to the State Board for Elementary and Secondary Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

(6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making.

(7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth in this section may develop a model for implementing school-base decision making including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the chief state school officer and the State Board for Elementary and Secondary Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

(8) The State Board for Elementary and Secondary Education, upon recommendation of the chief state school officer, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council.

(9) (a) No board member, superintendent of schools, or district employee shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (j) of subsection 2 of this section.

(b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The Office shall investigate the complaint and resolve the conflict if possible, or forward the matter to the State Board for Elementary and Secondary Education.

(c) The State Board for Elementary and Secondary Education shall establish by administrative regulation a hearing process for complaints referred by the Office of Education Accountability.

(d) If the State Board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

Appendix B
Regulations Addressing SBDM

702 KAR 3:245. School council allocation formula.

RELATES TO: KRS 160.345
STATUTORY AUTHORITY: KRS 156.070, 160.345
NECESSITY AND FUNCTION: KRS 160.345(8) mandates that the State Board for Elementary and Secondary Education adopt a formula by administrative regulation which guides the way in which school district funds shall be allocated to each school council. 702 KAR 3:240 is no longer required because it is being replaced by 702 KAR 3:245.

Section 1. Definitions.

(1) ''Categorical programs'' means programs under which funding and uses for the funding are specifically set by the funding authority.

(2) ''Instructional supplies, materials, travel, and equipment'' means the following codes, as set forth in the ''Kentucky School Financial Accounting System,'' which is incorporated by reference in 702 KAR 3:120:
  (a) Library books - codes: 251.01, 251.04, 252.01, 252.04;
  (b) Periodicals and newspapers - codes: 253.01, 253.04, 254.01;
  (c) Library supplies - codes: 255.01, 255.03, 256.01, 256.03;
  (d) Audio visual material and equipment - codes: 257.01, 257.04, 258.01, 258.04;
  (e) Supplementary books - codes: 263.01, 263.04, 264.01, 264.04;
  (f) Teaching supplies to include paper products - codes: 265.01, 266.01;
  (g) Instructional equipment other than computer laboratories - codes: 231, 741.01, 871.01, 1272; and
  (h) Instructional travel - code: 267.

''Instructional supplies, materials, travel, and equipment'' shall not mean technology related expenditures for computer laboratories, the initial inventory of a new school plant, and any one (1) time expenditures that the district made to address specific school needs.

(3) ''District average teacher's salary'' means the total of all teacher salaries for 185 days in noncategorical programs in the district.

Section 2. The local school district shall provide to school councils established by January 30 an allocation for the next budget year by March 1 of each year in accordance with this administrative regulation.

Section 3. The local school district shall calculate the funds available for distribution to school councils by excluding the proposed district-wide expenditures for the following areas from the draft district budget:

(1) The 100 Expenditure Series, Administration.
(2) Any instructional service provided to all schools from the district level or for "categorical programs" of the 200 Expenditure Series, Instruction.
(3) The 300 Expenditure Series, Attendance.
(4) The 400 Expenditure Series, Health Services.
(5) The 500 Expenditure Series, Transportation.
(6) The 600 Expenditure Series, Operation of Plant, except for noncategorical personnel assigned to schools.
(7) The 700 Expenditure Series, Maintenance of Plant, except for code 741.01, Replacement of Instructional Equipment.
(8) The 800 Expenditure Series, Fixed Charges, except for fringe benefits for noncategorical personnel assigned to schools.
(9) The 900 Expenditure Series, School Food Services.
(10) The 1100 Expenditure Series, Community Services.
(11) The 1200 Expenditure Series, Capital Outlay, except for the funds that may be set aside in an allocation for new instructional equipment and code 1272 instructional equipment designated for each school.
(12) The 1300 Expenditure Series, Debt Service.
(13) The 1400 Expenditure Series, Below the Line.

Section 4. Allocation for Certified Staff.
(1) Local boards shall establish a certified staffing policy to determine the allocation of certified staff to local schools.
(2) To determine the allocation to school councils for certified staff, the district shall provide sufficient funds:
  (a) To meet class size caps established in KRS 157.360 based on the projected full-time equivalent enrollment for the upcoming school year; and
  (b) To meet other classroom teaching and certified staff positions not included in subsection (1)(a) that are generated by the local board certified staffing policy.
(3) Funds shall be allocated based on the previous year's actual 185 day salary and associated fringe benefits except sick, personal, or emergency leave adjusted by changes in rank, additional year of experience, and changes in the district's salary schedule for each existing staff member.
(4) Funds for new and vacant certified staff positions shall be based on a minimum of ninety-five (95) percent of the district's average 185 day certified salary and associated fringe benefits except sick, personal, or emergency leave adjusted for changes in the district's salary schedule for noncategorical staff paid in the previous year.
(5) If the actual salary of new certified personnel is less than ninety-five (95) percent of the certified district average salary, the difference shall revert to the district budget for possible reallocation under Section 7 of this administrative regulation.

Section 5. Allocation for Classified Staff.
(1) Local boards shall establish a classified staffing policy to determine the allocation of classified staff to local schools.
(2) Funds shall be provided for all school based classified positions in noncategorical programs generated by the local board classified staffing policy using the previous year's salary adjusted for any district-wide increase.

(3) Funds shall be allocated for fringe benefit amounts except for sick, personal, or emergency leave for each classified staff member.

(4) Funds for new or vacant positions shall be based on ninety-five (95) percent of the district's average classified salary for that personnel job class and associated fringe benefits except for sick, personal, or emergency leave for noncategorical staff adjusted for any district-wide increase.

(5) If the actual salary of new classified personnel is less than ninety-five (95) percent of the classified district average salary, the difference shall revert to the district budget for possible reallocation under Section 7 of this administrative regulation.

Section 6. Instructional Supplies, Materials, Travel, and Equipment.

(1) For instructional supplies, materials, travel, and equipment school councils shall receive an allocation based on the prior year district average expenditure adjusted by the current year's percent change in support Education Excellence in Kentucky (SEEK) funding for each pupil based on the projected full-time equivalent enrollment.

(2) The amount generated in subsection (1) of this section shall be adjusted utilizing the enrollment data at the end of the second school month.

Section 7. Distribution of the Balance.

(1) The balance between the amount generated in Sections 4, 5, and 6 of this administrative regulation and the amount available for distribution to school councils from Section 3 of this administrative regulation shall be distributed in one (1) of the following manners:
   (a) An amount per projected full-time equivalent enrollment;
   (b) Based on pupil needs as designated by the local school board;
   (c) A combination of subsections (a) and (b) of this section.

(2) If Sections 4, 5, and 6 of this administrative regulation generate more funds than are available in Section 3 of this administrative regulation for distribution to school councils, the local board shall make every reasonable effort to make up the deficit.

Section 8. Nothing in this administrative regulation shall prohibit the district from providing funds to school council in excess of the allocation amounts generated by Sections 4, 5, and 6 of this administrative regulation or other operational and capital outlay items.

Section 9. Each year school councils shall review the budgets for all categorical programs and provide comments to the local board prior to the adoption of the budgets.

Section 10. No school council allocation by the district shall result in a proposed expenditure that would cause the district budget to hold in reserve less than the required amount set by KRS 160.470.

Section 11. Nothing in this administrative regulation shall prohibit districts from passing on to school councils any reduction in state and local revenues.

Section 12. 702 KAR 3:240, School council funding formula, is hereby repealed. (19 Ky.R. 1492; eff. 3-4-93.)

701 KAR 5:085. Hearing process for school-based decision making complaints.

RELATES TO: KRS 160.345
STATUTORY AUTHORITY: KRS 156.070, 160.345
NECESSITY AND FUNCTION: The State Board for Elementary and Secondary Education is directed by KRS 160.345 to establish by administrative regulation a hearing process for complaints referred by the Office of Education Accountability regarding intentional patterns of practice by local board members, superintendents, and school district employees which are detrimental to the successful implementation of or circumvent the intent of school-based decision making. This administrative regulation establishes the hearing process.

Section 1. The hearing officer for the State Board for Elementary and Secondary Education shall conduct a hearing as to each written complaint referred by the Office of Education Accountability pursuant to KRS 160.345.

Section 2. Within twenty (20) days after the Office of Education Accountability has filed with the board the referred written complaint and any relevant documentation, the secretary of the board shall provide to the complaining party and the party alleged to have committed a violation a copy of the complaint and relevant documents referred from the Office of Education Accountability and written notice of the date, time, and location of the hearing.

Section 3. The hearing officer shall have full authority to do the following:
(1) Grant continuances of the scheduled hearing for just cause shown;
(2) Administer oaths, examine witnesses under oath, and issue requested subpoenas to compel attendance of witnesses or production of physical evidence; and
(3) Tape record all testimony taken.

Section 4. Both the complaining party and the party alleged to have committed the violation may require the presence of witnesses upon subpoena issued by the board.

Section 5. After conclusion of the hearing, the hearing officer shall file with the board a tape recording of all testimony taken, any exhibits filed, findings of fact, conclusions of law and a recommended order.

Section 6.
(1) A party may submit written exceptions to the findings of fact and recommended order. Exceptions shall be filed with the board through its secretary within ten (10) days of entry of the recommended order, unless otherwise directed by the hearing officer at the time the recommended order is entered, and served on the parties.
(2) A party may submit a written response to exceptions filed with the board. The response shall be filed with the board through its secretary within twenty (20) days of entry of the recommended order, unless otherwise directed by the hearing officer at the time the recommended order is entered, and served on the parties.
(3) Exceptions and responses not timely filed shall be noted and made a part of the record, but shall not be considered by the board in making a final determination.

Section 7.

(1) The state board may:
  (a) Accept or reject the submission of the hearing officer in total or in part;
  (b) Return the matter to the hearing officer for further proceedings; or
  (c) Have the parties appear before the state board for further proceedings and ultimate decision.

(2) In making its final decision, the board shall adopt or incorporate appropriate findings and conclusions. (19 Ky.R. 655; Am. 903; eff. 10-1-92.)

704 KAR 7:110. School council policy rejection; appeal procedure.

RELATES TO: KRS 160.345
STATUTORY AUTHORITY: KRS 156.070
NECESSITY AND FUNCTION: School council policies in the areas set out in KRS 160.345(2)(j)(1-8), the school-based decision making statute, are generally not subject to approval or rejection by a board of education. This administrative regulation is necessary to establish standards in those limited circumstances in which a board of education rejects a school council policy in one (1) of the eight (8) areas. The function of this administrative regulation is to establish standards and a process for policy rejection and provides for an appeal process:

Section 1. To the extent school council policies are outside the areas set out in KRS 160.345(2)(j)(1-8), they shall be consistent with district board policies, unless otherwise agreed to by the district board of education and the school council.

Section 2. The school council shall make decisions in the areas set out in KRS 160.345(2)(j)(1-8). The district board of education may reject a school council policy in one (1) of these areas only to the extent it is inconsistent with:

(1) State or federal statutes or regulations (if a waiver is not applicable);
(2) Concerns for health and safety;
(3) Concerns for liability;
(4) Available financial resources; or
(5) Contractual obligations to personnel and other providers of goods and services.

Section 3. If the local board of education rejects a policy pursuant to Section 2 of this administrative regulation, the board shall return the policy to the school council for reconsideration. The board shall provide a specific written explanation of the alleged inconsistency accompanied by the policy document and a copy of the law, contract, or other provision upon which the district board's action is based.

Section 4. If the board of education and the school council have exhausted all possibilities toward resolution and are unable to resolve the dispute regarding the school council policy, the board or the school council may submit the matter in writing to the State Board for Elementary and Secondary Education for resolution. Upon receipt of the written request for resolution, the state board shall:

(1) Provide a copy of the written request to the other party to the dispute;

(2) Provide notice to the other party to the dispute that it may file with the state board an explanation of its position in the matter within twenty (20) days after receipt of the notice; and

(3) Make its binding decision on the appeal, after the deadline for the filing of the response to the appeal has expired. As an option, the decision may include a remand of the matter to the local board of education and school council for further attempts at resolution. (19 Ky.R. 1494; Am. 1801; eff. 3-12-93.)

Appendix C
The Learner Outcomes

A LIST OF VALUED OUTCOMES FOR KENTUCKY'S SIX LEARNING GOALS

GOAL 1 – Basic Communication and Math Skills

1. **ACCESSING SOURCES OF INFORMATION AND IDEAS**: Students use research tools to locate sources of information and ideas relevant to a specific need or problem.
2. **READING**: Students construct meaning from a variety of print materials for a variety of purposes through reading.
3. **OBSERVING**: Students construct meaning from messages communicated in a variety of ways for a variety of purposes through observing.
4. **LISTENING**: Students construct meaning from messages communicated in a variety of ways for a variety of purposes through listening.
5. **QUANTIFYING**: Students communicate ideas by quantifying with whole, rational, real, and/or complex numbers.
6. **COMPUTING**: Students manipulate information and communicate ideas with a variety of computational algorithms.
7. **VISUALIZING**: Students organize information and communicate ideas by visualizing space configurations and movements.
8. **MEASURING**: Students gather information and communicate ideas by measuring.
9. **MATHEMATICAL REASONING**: Students organize information and communicate ideas by algebraic and geometric reasoning such as relations, patterns, variables, unknown quantities, deductive, and inductive processes.
10. **CLASSIFYING**: Students organize information through development and use of classification rules and classification systems.
11. **WRITING**: Students communicate ideas and information to a variety of audiences for a variety of purposes in a variety of modes through writing.
12. **SPEAKING**: Students communicate ideas and information to a variety of audiences for a variety of purposes in a variety of modes through speaking.
13. **VISUAL ARTS**: Students construct meaning and/or communicate ideas and emotions through the visual arts.
14. **MUSIC**: Students construct meaning and/or communicate ideas and emotions through music.
15. **MOVEMENT**: Students construct meaning from and/or communicate ideas and emotions through movement.
16. **USING ELECTRONIC TECHNOLOGY**: Students use computers and other electronic technology to gather, organize, manipulate, and express information and ideas.

GOAL 2 - Core Concepts and Principles

SCIENCE

1. **NATURE OF SCIENTIFIC ACTIVITY**: Students use appropriate and relevant scientific skills to solve specific problems in real-life situations.
2. **PATTERNS**: Students identify, compare, and contrast patterns and use patterns to understand and interpret past and present events and predict future events.
3. **SYSTEMS AND INTERACTIONS**: Students identify and describe systems, subsystems, and components and their interactions by completing tasks and/or creating products.
4. **MODELS AND SCALE**: Students use models and scales to explain or predict the organization, function, and behavior of objects, materials, and living things in their environment.
5. **CONSTANCY**: Students understand the tendency of nature to remain constant or move toward a steady state in closed systems.
6. **EVOLUTION**: Students complete tasks and/or develop products which identify, describe, and direct evolutionary change which has occurred or is occurring around them.

MATHEMATICS

1. **NUMBER**: Students demonstrate understanding of number concepts.
2. **MATHEMATICAL PROCEDURES**: Students demonstrate understanding of concepts related to mathematical procedures.
3. **SPACE AND DIMENSIONALITY**: Students demonstrate understanding of concepts related to space and dimensionality.
4. **MEASUREMENT**: Students demonstrate understanding of measurement concepts.
5. **CHANGE**: Students demonstrate understanding of change concepts on patterns and functions.
6. **MATHEMATICAL STRUCTURE**: Students demonstrate understanding of concepts related to mathematical structure.
7. **DATA**: Students demonstrate understanding of data concepts related to both CERTAIN and UNCERTAIN events.

SOCIAL STUDIES

1. **DEMOCRATIC PRINCIPLES**: Students recognize issues of justice, equality, responsibility, choice, and freedom and apply these democratic principles to real-life situations.
2. **STRUCTURE AND FUNCTION OF POLITICAL SYSTEMS**: Students recognize varying forms of government and address issues of importance to citizens in a democracy, including authority, power, civic action, and rights and responsibilities.
3. **STRUCTURE AND FUNCTION OF SOCIAL SYSTEMS**: Students recognize varying social groupings and institutions and address issues of importance to members of them, including beliefs, customs, norms, roles, equity, order, and change.
4. **CULTURAL DIVERSITY**: Students interact effectively and work cooperatively with the diverse ethnic and cultural groups of our nation and world.

5. **STRUCTURE AND FUNCTION OF ECONOMIC SYSTEMS**: Students make economic decisions regarding production and consumption of goods and services related to real-life situations.
6. **RELATIONSHIP OF GEOGRAPHY TO HUMAN ACTIVITY**: Students recognize the geographic interaction between people and their surroundings in order to make decisions and take actions that reflect responsibility for the environment.
7. **HISTORICAL PERSPECTIVE**: Students recognize continuity and change in historical events, conditions, trends, and issues in order to make decisions for a better future.
8. **INTERPERSONAL RELATIONSHIPS**: Students observe, analyze, and interpret human behaviors to acquire a better understanding of self, others, and human relationships.

ARTS AND HUMANITIES

1. **PRODUCTION**: Students create products and make presentations that convey concepts and feelings.
2. **ANALYSIS OF FORMS**: Students analyze their own and others' artistic products and performances.
3. **AESTHETICS**: Students appreciate creativity and the values of the arts and the humanities.
4. **CULTURAL HERITAGE**: Through their productions and performances or interpretation, students show an understanding of the influence of time, place, personality, and society on the arts and humanities.
5. **CULTURAL DIVERSITY**: Students recognize differences and commonalities in the human experience through their productions, performances, or interpretations.
6. **LANGUAGE**: Students complete tasks, make presentations, and create models that demonstrate awareness of the diversity of forms, structures, and concepts across languages and how they may interrelate.
7. **SECOND LANGUAGE PROFICIENCY**: Students understand and communicate in a second language.

PRACTICAL LIVING STUDIES

1. **FAMILY LIFE AND PARENTING**: Students demonstrate positive individual and family life skills.
2. **CONSUMERISM**: Students demonstrate effective decision-making and evaluative consumer skills.
3. **PHYSICAL WELLNESS**: Students demonstrate skills and self-responsibility in understanding, achieving, and maintaining physical wellness.
4. **MENTAL AND EMOTIONAL WELLNESS**: Students demonstrate positive strategies for achieving and maintaining mental and emotional wellness.
5. **COMMUNITY HEALTH SYSTEMS**: Students will demonstrate the ability to assess and access health systems, services, and resources available in their community which maintain and promote healthy living for its citizens.
6. **PSYCHOMOTOR SKILLS**: Students perform psychomotor skills effectively and efficiently in a variety of settings.
7. **LIFETIME PHYSICAL ACTIVITIES**: Students demonstrate knowledge, skills, and values that have lifetime implications for involvement in physical activity.

VOCATIONAL STUDIES

1. **CAREER PATH**: Students demonstrate strategies for selecting career path options.
2. **EMPLOYABILITY ATTRIBUTES**: Students produce and/or make presentations that communicate school-to-work/post-secondary transition skills.
3. **POST-SECONDARY OPPORTUNITIES SEARCH (JOBS, SCHOOL, MILITARY)**: Students demonstrate the ability to complete a post-secondary opportunities search.

GOAL 3 - Self-Sufficiency

1. **POSITIVE SELF-CONCEPT**: Students demonstrate positive growth in self-concept through appropriate tasks or projects.
2. **HEALTHY LIFESTYLE**: Students demonstrate the ability to maintain a healthy lifestyle.
3. **ADAPTABILITY AND FLEXIBILITY**: Students demonstrate the ability to be adaptable and flexible through appropriate tasks or projects.
4. **RESOURCEFULNESS AND CREATIVITY**: Students demonstrate the ability to be resourceful and creative.
5. **SELF-CONTROL AND SELF-DISCIPLINE**: Students demonstrate self-control and self-discipline.
6. **ETHICAL VALUES**: Students demonstrate the ability to make decisions based on ethical values.
7. **INDEPENDENT LEARNING**: Students demonstrate the ability to learn on one's own.

GOAL 4 - Responsible Group Membership

1. **INTERPERSONAL SKILLS**: Students effectively use interpersonal skills.
2. **PRODUCTIVE TEAM MEMBERSHIP**: Students use productive team member skills.
3. **CONSISTENT, RESPONSIVE, AND CARING BEHAVIOR**: Students individually demonstrate consistent, responsive, and caring behavior.
4. **RIGHTS AND RESPONSIBILITIES FOR SELF AND OTHERS**: Students demonstrate the ability to accept the rights and responsibilities for self and others.
5. **MULTICULTURAL AND WORLD VIEW**: Students demonstrate an understanding of, appreciation for, and sensitivity to a multicultural and world view.
6. **OPEN MIND TO ALTERNATIVE PERSPECTIVES**: Students demonstrate an open mind to alternative perspectives.

GOAL 5 - Thinking and Problem-Solving

1. **CRITICAL THINKING**: Students use critical thinking skills in a variety of situations that will be encountered in life.
2. **CREATIVE THINKING**: Students use creative thinking skills to develop or invent novel, constructive ideas or products.
3. **CONCEPTUALIZING**: Students create and modify their understanding of a concept through organizing information.

4. **DECISION MAKING**: Students use a decision-making process to make informed decisions among options.
5. **PROBLEM SOLVING**: Students use problem-solving processes to develop solutions to relatively complex problems.

GOAL 6 - Integration of Knowledge

1. **APPLYING MULTIPLE PERSPECTIVES**: Students address situations (e.g., topics, problems, decisions, products) from multiple perspectives and produce presentations or products that demonstrate a broad understanding. Examples of perspectives include: economic, social, cultural, political, historic, physical, technical, aesthetic, environmental, and personal.
2. **DEVELOPING NEW KNOWLEDGE**: Students use what they already know to acquire new knowledge, develop new skills, or interpret new experiences.
3. **EXPANDING EXISTING KNOWLEDGE**: Students expand their understanding of existing knowledge (e.g., topic, problem, situation, product) by making connections with new and unfamiliar knowledge, skills, and experiences.

Glossary

accountability: a process for rewarding success and intervening to prevent continued failure; under KERA, schools are held accountable every two years for improving their level of student success on the KIRIS assessment and noncognitive indicators.

accountability index: a term for a school's score in the state's accountability system; based on KIRIS results and noncognitive indicators.

accreditation: a former state process for reviewing the program and resources of a school and to determine whether minimum standards were met. KERA abolished the State Board's authority to create a mandatory state accreditation system. Some districts or schools may choose to seek accreditation from a voluntary agency.

adjunct instructor: person allowed to teach a subject where there is a teacher shortage. These instructors have lower qualifications than teachers with regular certificates and can only be hired if no regularly certified person is available.

allocation: funding available to a school from its district board of education.

alternative certification program: program run by a local school district to prepare people to teach whose undergraduate degrees are not in teaching.

alternative education program: program designed to meet the learning needs of students who are unable to succeed in the regular program. A district that offers such a program can ask to have driver's licenses revoked for students who drop out of school or who are declared academically deficient.

alternative model: a council organized differently than the standard three teacher, two parent, principal as chair structure found in state law. Schools need the permission of the State Board for Elementary and Secondary Education to implement an alternative model.

basal textbook: a textbook in regular classroom use, organized to challenge students as their skills develop over the year.

baseline: a school's starting level of student success: based on KIRIS results and noncognitive indicators; the level from which it must improve to achieve its threshold.

categorical program: program paid for by money with legal limitations on its use, such as Chapter 1 and gifted and talented programs.

certificate: document stating that a person has the legally required qualifications for a specific type of position. Most professional positions in the public schools require a certificate.

Chapter 1: a federal law which provides dollars for special help for disadvantaged children. Specifically, it is the first chapter of the Education Consolidation and Improvement Act.

Chapter 2: a federal law which provides dollars for a number of educational improvements. It is part of the Elementary and Secondary School Improvement Amendments of 1988.

class cap size: the maximum number of students allowed in one class under state law; not binding on SBDM schools.

classified employee: public school employee whose job does not require a state-issued certificate. Secretaries, janitors, bus drivers and cooks are examples of such employees.

classroom management techniques: strategies used to promote student conduct that permits effective learning.

consensus: a decision making method under which a motion fails if even one participant firmly opposes it.

continuing education: another name for extended school services.

corporal punishment: deliberate infliction of physical pain as a penalty for misbehavior.

curriculum: the knowledge and skills a school intends to teach its students, often organized into an outline indicating the order in which topics will be taught.

Distinguished educator: experienced, successful teacher or administrator selected for special recognition. Under KERA's statewide accountability system, some of these educators will be asked to assist schools where the percentage of successful students has declined. At schools in crisis, the distinguished educators will have additional powers.

educational technology: a variety of equipment used to teach pupils, including computers, telecommunications, cable television, interactive video, film, low-power television, satellite communications and microwave communications.

equal access: the right to use school facilities on the same basis as other groups; particularly the right of religiously based student groups to use school facilities if non-religious student interest groups are permitted to do so. This right is protected by federal law.

exceptional children: defined in KRS 157.200(i) as ''persons under twenty-one (21) years of age who differ in one (1) or more respects from average or normal children in physical, mental, learning, emotional, or social characteristics and abilities to such a degree that they need special educational programs or services for them to benefit maximally from the regular or usual facilities or education programs of the public schools in the districts in which they reside.'' This category includes gifted and talented children.

expulsion: disciplinary action excluding a student from attending school for an indefinite period. Under Kentucky law, only the district school board can expel a student, and the expulsion cannot continue beyond the beginning of the next school year.

extended school services: additional school time provided for students who need it to achieve KERA goals, supported by special state funds. The time may be provided by extending the school day, week or year.

extracurricular programs: programs for which students do not receive credit toward graduation and which are not part of the school's official curriculum.

family resource center: center which coordinates services to pupils and their families. KERA provides for the creation of centers at or near each elementary and middle school where 20 percent of pupils or more are eligible for free school meals.

Individuals with Disabilities Education Act: federal law requiring a free, appropriate education for children with handicaps. Part B of this law provides funds to support that education.

instructional materials: any items a school uses to help students learn.

instructional practices: techniques used by a school's staff to help students learn.

KAR: the standard abbreviation of Kentucky Administrative Regulations.

KERA: an abbreviation for Kentucky Education Reform Act of 1990.

KETS: an abbreviation for Kentucky Education Technology System.

KIRIS: an abbreviation for Kentucky Instructional Results Information System.

KRS: the standard abbreviation of Kentucky Revised Statutes.

Kentucky Administrative Regulations: regulations passed by various administrative bodies in the state of Kentucky, to help carry out the laws passed by the General Assembly and signed by the Governor. If a reference mentions "702 KAR 3:240," it means Title 702 of Kentucky Administrative Regulations, Chapter 3, Section 240.

Kentucky Education Reform Act of 1990: the official title of House Bill 940 of the Kentucky General Assembly, which mandates major changes in how Kentucky schools will operate, including the institution of school-based decision making.

Kentucky Education Technology System: the network of instructional and administrative technology now being implemented across Kentucky.

Kentucky Instructional Results Information System: the state-of-the-art system of assessment being developed to determine student achievement of the KERA goals and Learner Outcomes.

Kentucky Revised Statutes: the laws of Kentucky, as passed by the General Assembly and signed by the Governor. Thus, if a reference mentions "KRS 160.345," it means Kentucky Revised Statutes, Chapter 160, Section 345.

Learner Outcomes: the list of specific student performance outcomes that will indicate whether schools are succeeding in achieving the KERA goals for students.

mainstreaming: the practice of placing students with handicaps in regular classrooms whenever possible, as required by federal law.

model curriculum framework: an outline tied to KERA's goals, outcomes and assessment strategies to be issued by the State Board for Elementary and Secondary Education by July 1, 1993. The framework is to provide examples, but not requirements, for schools and districts to use in developing their own curricula.

new teacher internships: new teachers and teachers from out-of state with less than two years successful teaching experience must spend one year in an internship program which provides them with supervision, assistance and assessment to develop their teaching skills.

noncognitive indicators: data considered in school accountability other than the KIRIS results, including dropout rates, retention in grades, successful transition to post secondary education, work or the military, attendance and reduction in barriers to learning.

Open Meetings Law: Kentucky law protecting rights of citizens and the press to attend meetings of government agencies, including school councils, school committees, district school boards and many other bodies.

Open Records Law: Kentucky law providing for rights of citizens to review records of government agencies, including school councils, district school boards and many other bodies.

Office of Education Accountability: an office created by the General Assembly to monitor the implementation of education reform.

performance event: assessment process that asks students to tackle a problem and write about the results: one of the KIRIS assessment methods.

policy: a written statement of rules for how an organization will handle a particular issue.

portfolio: collection of student work over the school year that will be evaluated as part of KIRIS.

primary program: an ungraded approach to early elementary school, in which students in mixed age groups will study at their own pace from kindergarten until ready to enter fourth grade.

professional development: opportunities for educators to develop their professional skills, sometimes referred to as in-service training.

program advisories: an older term for program review.

program review: a document issued by the Kentucky Department of Education to provide its best advice on how to handle a particular issue; not legally binding.

SEEK: abbreviation for Support Education Excellence in Kentucky.

school-based decision making: a process for running schools which gives important powers to staff and parents at each school.

school improvement fund: a state program providing grants for improvement efforts at schools that fail to meet their threshold requirements.

school improvement plan: a plan identifying how the school will move toward higher levels of student success.

school in crisis: A school that falls 5 percent below its baseline once, falls even slightly below its baseline twice, or fails to meet its threshold three times. The Distinguished Educator assigned to a school in crisis has the authority to manage the school and recommend transfers and dismissals of staff and parents may send their children to a nearby successful school.

school lunch program: program offering free or reduced price meals to students from low income families.

School Reward Fund: money allocated by the General Assembly to pay rewards to schools that exceed their threshold percentages of successful students.

school transformation plan: a school improvement plan developed following the particular approach recommended by the Kentucky Department of Education.

student support services: services a school provides to its pupils which help students be ready to learn; services other than instruction itself.

supplementary textbook: a textbook used occasionally in a classroom; not a basal textbook. Supplementary textbooks need not be on the state textbook adoption list.

Support Education Excellence in Kentucky: the main program for funding Kentucky public schools.

suspension: disciplinary action forbidding a student from attending school for a limited period of time. Under Kentucky law, a school principal may suspend a student if certain required procedures are followed.

textbook adoption list: list of textbooks that have been approved by the State Textbook Commission. These books may be purchased with state funds and used as basal textbooks in Kentucky classrooms.

threshold: the improved level of student success a school is required to achieve every two years under the KERA accountability system.

USC: the standard abbreviation for United States Code.

United States Code: The laws of the United States, passed by the Congress and signed by the President. If a reference mentions 15 USC 2701, it means Chapter 15 of the United States Code, Section 2701.

valued outcomes: another name for learner outcomes.

youth services center: center which coordinates services to students over age 12 and their families. KERA provides for the creation of such centers by the 1995-96 school year at or near each secondary school where 20 percent of pupils or more are eligible for free school meals.

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(a) Schools shall expect a high level of achievement of all students.

(b) Schools shall develop their students' ability to:

1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;
2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;
3. Become a self-sufficient individual;
4. Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;
5. Think and solve problems in school situations and in a variety of situations they will encounter in life; and
6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources.

(c) Schools shall increase their students' rate of school attendance.

(d) Schools shall reduce their students' dropout and retention rates.

(e) Schools shall reduce physical and mental health barriers to learning.

(f) Schools shall be measured on the proportion of students who make a successful transition to work, post-secondary education, and the military.

Source: Kentucky Revised Statutes, Section 158.6451.

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